

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 10

In the Matter of:

Amazon.com Services, LLC, Case No. 10-RC-269250

Employer,

and

Retail, Wholesale and
Department Store
Union,

Petitioner.

Place: Atlanta, Georgia (via Zoom Video Conference)

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UNITED STATES OF AMERICA
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AMAZON.COM SERVICES, LLC,

Employer,

and

RETAIL, WHOLESALE AND
DEPARTMENT STORE
UNION,

Petitioner.

Case No. 10-RC-269250

The above-entitled matter came on for hearing, via Zoom videoconference, pursuant to notice, before **KERSTIN MEYERS**, Hearing Officer, at the National Labor Relations Board, Region 10, Peachtree Summit Federal Building, 401 W. Peachtree Street, NE, Suite 2201, Atlanta, Georgia 30308, on **Thursday, May 13, 2021, 10:03 a.m.**



A P P E A R A N C E S

On behalf of the Employer:

HARRY I. JOHNSON, III ESQ.

MORGAN, LEWIS & BOCKIUS, LLP.

2049 Century Park East

Suite 700

Los Angeles, CA 90067

Tel. (310)255-9005

Fax. (310)907-1000

DAVID R. BRODERDORF, ESQ.

MORGAN, LEWIS & BOCKIUS, LLP

1111 Pennsylvania Avenue, NW

Washington, DC 20004

Tel. (202)739-5817

Fax. (20)739-3001

On behalf of the Petitioner:

GEORGE N. DAVIES, ESQ.

RICHARD P. ROUCO, ESQ.

QUINN, CONNER, WEAVER, DAVIES & ROUCO, LLP

2-20th Street North

Suite 930

Birmingham, AL 35203

Tel. (205)870-9989

Fax. (205)803-4143

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Joshua Brewer	586	716	717		
Frederick Woods	720	741, 747	748		
David Isiah Thomas	754	774, 783			

E X H I B I T S

<u>EXHIBIT</u>	<u>IDENTIFIED</u>	<u>IN EVIDENCE</u>
Employer:		
E-9	605	607
E-10	608	610
E-11	608	611
E-13	587	589
E-14	601	605
E-15	590	601
E-16	604	605
E-17	619	620
E-18	617	619
E-19	611	612
E-21	613	613
E-22	615	617
E-23	615	621
E-24	674	677
E-25	676	677
E-26	679	680
E-27	683	686
E-28	686	689
E-29	687	689
E-30	690	690
E-31	691	(Not Admitted)

E X H I B I T S C O N T I N U E DEXHIBITIDENTIFIEDIN EVIDENCE**Employer Continued:**

E-32

692

(Not Admitted)

E-33

(Rejected)

E-34

(Rejected)

E-35

697

699

E-36

704

(Not Admitted)

E-37

613

614

Union:

U-19

(Withdrawn)

P R O C E E D I N G S

HEARING OFFICER MEYERS: Good morning, Mr. Brewer and Counsel.

Mr. Brewer, I just want to remind you that you are still under oath and at this time, I am going to turn you over to the Employer's Counsel.

Mr. Johnson, please proceed.

MR. JOHNSON: Thank you, Madam Hearing Officer.

CROSS-EXAMINATION

Q BY MR. JOHNSON: Good Morning, Mr. Brewer. How are you?

A Good. How are you?

Q All right. Some questions about the traffic light area.

A Sure.

Q You -- thanks. You spend a fair amount of time in and around this BMH1 facility during the campaign, right?

A Yes.

Q Okay. And that was one of your responsibilities as lead organizer of the campaign, to know the geography of the facility, right?

A Sure.

Q Okay. And did you travel the roads near the facility?

A I did.

Q Okay. Did you actually spend any time personally at the intersection where the traffic light was that you testified about yesterday?

1 A Absolutely.

2 Q Okay. And was that testimony based on your own personal
3 knowledge and not reports by other organizers?

4 A Personal knowledge.

5 Q Okay.

6 A As well -- I mean, as well as -- I mean, to clarify, as
7 well as some reports, certainly. But you know, a lot of
8 personal knowledge as well.

9 Q Okay. So we'll -- we'll get to that as we proceed
10 through.

11 MR. JOHNSON: But Madam Hearing Officer, can Madam Bailiff
12 put of Exhibit 13 on the screen?

13 HEARING OFFICER MEYERS: Mr. Bailiff, could you put up --

14 MR. JOHNSON: Oh.

15 HEARING OFFICER MEYERS: -- I'm sorry, Union's Exhibit 13?
16 Harry, did you say Union's 13?

17 MR. JOHNSON: Oh. No, it would be Employer 13. We
18 uploaded --

19 HEARING OFFICER MEYERS: Employer's Exhibit 13.

20 MR. JOHNSON: -- quite a few into SharePoint last night.
21 Mr. Bailiff, are you putting that up?

22 MR. WEBB: Yes, I'm -- I'm --

23 HEARING OFFICER MEYERS: I just wanted to -- didn't hear
24 you -- didn't hear from you and wanted to make sure you heard.

25 MR. WEBB: That's okay. Yeah, I'm -- I'm on it right now.

1 HEARING OFFICER MEYERS: Thank you, sir.

2 MR. WEBB: Sorry. Should be up now.

3 MR. JOHNSON: Yes, that's it.

4 Q BY MR. JOHNSON: Can you see that, Mr. Brewer?

5 A I can.

6 Q Okay. And let me represent to you that this was pulled
7 off Google and it is a top-down view with a north-south
8 orientation. So at the top of Exhibit 13 is the north and the
9 bottom is the south and the right is east and the left is west.
10 Take a look at it and then tell me when you're ready to talk.

11 A I can see it, yeah.

12 Q Okay. So is this map accurate as to the roads surrounding
13 BHM1?

14 A I mean, it -- it appears to be relatively accurate, yeah.
15 I'm not a -- you know, obviously, to the best of my knowledge.

16 Q Okay. Well, take a look at it. Is there anything that
17 looks inaccurate about the -- the way roads are placed around
18 the facility?

19 A No, it looks fine.

20 Q Okay.

21 MR. JOHNSON: Madam Hearing Officer, I move to enter
22 Exhibit 13.

23 HEARING OFFICER MEYERS: I'm looking at Exhibit -- oh, I
24 must've pulled this up wrong. Hold on. I was looking at
25 Employer's 10.

1 MR. JOHNSON: This is the map of the facility that you
2 wanted.

3 HEARING OFFICER MEYERS: Okay. Any objections to
4 Petitioner's -- or to Employer's 13, Mr. Davies? You're on
5 mute.

6 MR. DAVIES: Sorry. No objection.

7 HEARING OFFICER MEYERS: Employer's 13 is admitted into
8 evidence.

9 **(Employer Exhibit Number 13 Received into Evidence)**

10 Q BY MR. JOHNSON: Okay. And Mr. Brewer, those dark gray
11 areas around the roof of the facility are the parking lots,
12 right?

13 A Yes, I -- sure.

14 Q Okay. And -- and so let me direct your attention to, on
15 the left-hand side, running, basically vertically, through this
16 exhibit is this road call Powder Plant Road. Do you see that?

17 A I do.

18 Q And you see there's a little number 47 there?

19 A Yes.

20 Q Okay. And that's also because it's known as County Route
21 47, right?

22 A Okay.

23 Q I -- you're required to re --

24 HEARING OFFICER MEYERS: I -- okay, can you --

25 THE WITNESS: I'm sorry. Yes, I -- I -- I just knew it as

1 Powder Plant Road but sure -- yes, I mean, that's what the map
2 says, sure.

3 Q BY MR. JOHNSON: Okay. Do you have any reason to believe
4 it's not County Road --

5 A No. No. I just -- yeah.

6 Q All right. So can you --

7 MR. JOHNSON: Madam Hearing Officer, can you instruct Mr.
8 Bailiff to put up Exhibit 15 -- Employer Exhibit 15? It's a
9 little bit of a close-up.

10 HEARING OFFICER MEYERS: Mr. Bailiff, can you put up
11 Employer Exhibit 13 -- I'm sorry, 15?

12 MR. WEBB: Yeah.

13 Q BY MR. JOHNSON: Okay. And this is the -- this is
14 basically off of Google, too, Mr. Brewer. I can represent that
15 to you. And this closing in a little bit on the intersection
16 of Powder Plant Road and Premiere Parkway with Shirley Park
17 Drive. Do you see that?

18 A Yes.

19 Q Okay. And you visit that intersection, right?

20 A Is this the intersection by the high school, Mr. Johnson?

21 Q This is -- okay. Let me -- maybe this can help with your
22 recollection. You see the -- the BMH1 parking lot that is
23 basically in the northeast quadrant.

24 A Okay.

25 Q You see that?

1 A Yes. Yes.

2 Q Okay. And do you see the Premiere Parkway and the --
3 the -- that parking lot merges into Premiere Parkway? Do you
4 see that?

5 A Yeah. Yes.

6 Q And then Premiere Parkway crosses Powder Plant Road on --

7 A I see it. Yes.

8 Q And so isn't this the main gate -

9 A Yes.

10 Q -- traffic light that you were talking about yesterday?

11 A Yes.

12 Q Okay. And -- and just so the record is clear, you
13 probably want to wait for me to finish the question, otherwise
14 the written transcript's going to be a mess. Do you understand
15 that?

16 A Yes.

17 Q Okay. Great. And so north of Premiere Parkway, there is
18 what looks like a sidewalk on the northern border. You see
19 that? It's parallel with Premiere Parkway.

20 A Yes.

21 Q Do you see that?

22 A Yes.

23 Q Okay. That is a sidewalk, right?

24 A Yes.

25 Q Okay. And you mentioned that there was a public right of

1 way in your testimony yesterday. Do you recall that?

2 A Yes.

3 Q Okay. Can you just tell me your understanding of the
4 public right of way in and around this area and -- and the --
5 depicted on Employer Exhibit 15?

6 A It -- I just -- I -- I'll be honest, I don't really fully
7 understand what I'm looking at comparatively to the public
8 right of way and the laws of -- of a public right of way.
9 I'm -- I'm just not sure I understand the question.

10 Q Okay. Well, let me -- let me ask it to you this way. And
11 you -- you testified that you think this is accurate as a top-
12 down view of this area. Do I have that right?

13 A Yes.

14 Q Okay. And you testified there is in fact a sidewalk on
15 the northern edge of Premiere Parkway, right?

16 A Yes. Yes.

17 Q Okay. And let me represent that's what that thick gray
18 line is that -- that curves around, you know, to the north on
19 Powder Plant for a while.

20 A Okay.

21 Q And it curves into the BMH1 parking lot. Remember that
22 sidewalk?

23 A Yes, I do.

24 Q Okay. And so without getting into legalities of whether
25 you're right or wrong, what did you understand -- where you

1 understand your organizers could go in this area?

2 A Sure. So they -- they would be at the public -- on the
3 public property side of the Amazon fulfillment center pro --
4 property line. And so between the property line and the Amazon
5 fulfillment center and the road, which is where our organizers
6 stand on every -- every handbill line, every campaign.

7 Q Okay. And then on this particular map, where would that
8 be?

9 A I mean, I can't really point to the map but I would -- I
10 would say, you know, right there near the -- near the main
11 entrance, there was on both sides -- there was a property line,
12 a grassy area and then there was a -- a (audio interference)
13 placed in the middle that was a concrete island.

14 Q Okay.

15 A And on both sides of the road on the entrances and then on
16 the middle there.

17 Q Okay. Well, did you regard the sidewalk as being an area
18 where the organizers could go?

19 A I did.

20 Q Okay.

21 A Yeah, when they've gone -- they -- they really were on the
22 stre -- the -- the grassy side of that hill right there but it
23 was a public sidewalk that -- you -- I'm assuming you're
24 referring to the one leading to the bus station or the bus
25 stop.

1 Q Yes, sorry. Let me just ask you about the bus stop here.
2 That is where the sidewalk stops, right? North on Powder Plant
3 Road.

4 A I believe so, yes.

5 Q Okay. Well, I -- look, in a while here you're going to
6 get to see a bus stop and we can go over it then. But that --
7 that's my understanding of how this lines up. So basically,
8 your testimony is the organizers were free to travel up and
9 down that -- the entire length of that sidewalk, right?

10 A The public property side of that road. So I -- I'm not
11 sure about the sidewalk. I know that what we -- what we
12 generally do, our rule of thumb is that you find public utility
13 and you stay on the public -- the public side of that and
14 you're right near the road. And so I don't know that that
15 would be testimony. I would just say that on the gra -- there
16 was a long grassy line that we generally tried to stay on that
17 side and then on the other side of the Amazon sign. But you
18 know, the -- yes, I mean, relatively, they -- they were in
19 those areas.

20 Q Okay. Well, I would -- and we'll have questions but I'm
21 just trying to understand did you understand -- did the
22 organizers, could they be on the sidewalk?

23 A Yes.

24 Q Okay. And were they on the sidewalk during this campaign?

25 A I mean, I -- to say that -- I -- so the -- the reason that

1 I'm hesitant is they didn't really use that sidewalk. So
2 the -- the bus stop went -- we didn't -- there wasn't a lot of
3 people that use that bus stop at all, maybe there was a --
4 maybe a handful a day. And so our organizers didn't actually
5 really use that sidewalk much. I mean, but I can't say that
6 they never stepped on the sidewalk. But it wasn't really --
7 that sidewalk was not main spot for us to really be gathering
8 or -- because there's no workers over there. The -- the
9 workers were more towards the red light.

10 Q Right. I understand that. But I mean, you understood you
11 had the right to be on the sidewalk, you just chose to use over
12 there?

13 A Yeah, I think -- sure. Yes.

14 Q Okay. And then you were -- you mentioned a concrete
15 island in your testimony yesterday and I think just now. Is
16 that that little triangle that is in the northwest quadrant of
17 the Powder Plant Road/Shirley Park Drive/Premiere Parkway
18 intersection?

19 A It's the main entrance here that we're referring to, yes.

20 Q Yes. And so that -- it -- it looks like a little
21 triangular, you know --

22 A Correct.

23 Q Okay.

24 A That's right.

25 Q Great. It -- it looks white, basically, on this, correct?

- 1 A It -- yes. Yeah.
- 2 Q Okay. So Premiere Parkway is a public roadway, right?
- 3 A Yes.
- 4 Q And Powder Plant Road is a public road right -- roadway,
- 5 right?
- 6 A Yes.
- 7 Q Okay. And it appears from this and other photos that I've
- 8 seen that Powder Plant Road in this area is four lanes of
- 9 traffic, two going north and two going south and then there's a
- 10 turn lane in the middle, right?
- 11 A Yes.
- 12 Q And do you know the speed limit on that road, Powder Plant
- 13 Road?
- 14 A I do not.
- 15 Q Okay. And did you all have a tent on Powder Plant Road
- 16 somewhere?
- 17 A The tent was by the Circle K. So --
- 18 Q Okay. Okay. Was that on Powder Plant Road?
- 19 A I believe so. You're -- I'm not trying to be -- I'm
- 20 actually just terrible with geo -- geo -- I'm a Millennial and
- 21 I use GPS for everything and so I'm just really bad with, like,
- 22 geography. So I'm just hesitant to give absolute answers on
- 23 these things. But what -- whatever road Circle K -- I think
- 24 that's Powder Plant, we also had a tent there by the Circle K,
- 25 yes.

1 Q Okay. Well, let -- let's go out to 13 and -- back to 13
2 again. Maybe that will help you because I just want to figure
3 out where the tent was.

4 HEARING OFFICER MEYERS: Mr. Bailiff, could you go back to
5 picture 13, please?

6 Q BY MR. JOHNSON: Okay. So now we're back on 13. And so
7 is the tent on Powder Plant Road north of this -- the main gate
8 intersection? Or is it south?

9 A I don't know.

10 Q Okay. It -- but it's somewhere on Powder Plant Road, is
11 your best recollection?

12 A Yes.

13 Q And how close was it to the facility?

14 A I'd probably say a half mile.

15 Q A half mile?

16 A Yeah.

17 Q Okay. And -- but you don't know whether that's north or
18 south of Powder Plant Road?

19 A No.

20 Q Do you know what side of the street it was on if you were
21 going north or --

22 A If I was going towards the intersect --- towards the
23 interstate from the warehouse, it would be on my right-hand
24 side.

25 Q Okay. And so just so -- so the record's clear, if you

1 were on Premiere, leaving the facility, which way would you
2 turn on Powder Plant Road to get to the freeway?

3 A To the left.

4 Q To the left. So it's somewhere -- somewhere to the south
5 of the facility is the -- is basically your tent, right?

6 A If that's to the left, yes.

7 Q Okay. The -- yeah -- well, the south would be to the left
8 there. And so why did you put the tent up?

9 A To assist us with communicating with workers.

10 Q Okay. Was that sort like a command post for lack of a
11 better word?

12 A Yeah, it was a place that workers could drop off
13 authorization cards and you know, also get their questions
14 answered as a secondary area.

15 Q Okay. They -- and they did that, right?

16 A They did.

17 Q Okay. And so let me ask you a little bit on the -- about
18 the date range about the traffic light intersection.

19 MR. JOHNSON: And -- and we can go back to Exhibit 15,
20 Madam Hearing Officer, because that -- that's a little bit more
21 of a close-up.

22 HEARING OFFICER MEYERS: Mr. Bailiff, can we go back to
23 15, please?

24 Mr. -- while we're -- while we're waiting for him to do
25 that, for future exhibits, if you guys could do them as -- as a

1 single exhibit bookmarked, it just makes them much quicker for
2 us to pull them up.

3 MR. JOHNSON: Okay.

4 HEARING OFFICER MEYERS: Mr. Johnson, can you do that?

5 MR. JOHNSON: We -- we'll do that. I -- I mean, it might
6 slow the upload time but we'll do our -- we'll do that.

7 HEARING OFFICER MEYERS: Okay.

8 MR. JOHNSON: Okay. So -- and there will be some exhibit
9 hopping around, so I apologize in advance, Madam Hearing
10 Officer. So --

11 HEARING OFFICER MEYERS: So you just -- you back over to
12 the SharePoint each time. So --

13 MR. JOHNSON: Sure. I understand

14 Q BY MR. JOHNSON: Okay. So I'm looking at this
15 intersection on Powder Plant Road crossing Premiere Parkway, I
16 understood your testimony to be that union representatives
17 first started to begin standing in that area on October 20,
18 2020. Am I right?

19 A Yes.

20 Q Okay. And I looked on the calendar and that's Tuesday.
21 Do you -- do I have that right?

22 A Yes.

23 Q Okay. And so basically, you had from October 20, 2020 to
24 sometime in December to have organizers there before there was
25 any change in the traffic light, right?

1 A Yes.

2 Q Okay. And so if the traffic light changed December 15,
3 you would've had eight weeks from October 20 to December 15
4 with no change to the light time, right?

5 A Yes.

6 Q Okay. So -- and -- and I take it from your -- your
7 testimony yesterday that you're not -- you don't believe any
8 interference was -- occurred during that time, right?

9 MR. DAVIES: Objection, assumes facts not in evidence.

10 HEARING OFFICER MEYERS: I -- I'm going to overrule that
11 objection.

12 THE WITNESS: Could you restate the question?

13 Q BY MR. JOHNSON: Okay. So during that time period, from
14 October 20, 2020 to, let's say, December 15, 2020 --

15 MR. JOHNSON: Actually, let me withdraw that.

16 Q BY MR. JOHNSON: From October to -- you first noticed the
17 light change on or around December 15. Do I have that right?

18 A Yes.

19 Q Okay. So in between October 20, 2020 and December 15,
20 2020, there hadn't been a change, right?

21 A Not that I was aware of.

22 Q Okay. And so you don't believe that there was any
23 interference caused by the traffic light timing during that
24 interval, correct?

25 A That's correct.

1 Q All right.

2 MR. JOHNSON: So now can we go to Employer 14. And let
3 me -- I have no idea if you've ever seen this document, Mr.
4 Brewer, and I'm not going -- so let me ask to put in Exhibit 15
5 since we've -- we --

6 HEARING OFFICER MEYERS: It -- any objection to Exhibit
7 15, Mr. Davies? You're on mute.

8 MR. DAVIES: No objection.

9 HEARING OFFICER MEYERS: Thank you, Number 15 is admitted.

10 **(Employer Exhibit Number 15 Received into Evidence)**

11 MR. JOHNSON: Okay. So now can we put up Employer Exhibit
12 14?

13 HEARING OFFICER MEYERS: I believe we have Exhibit 14 up.
14 Or -- or -- oh, no, we don't.

15 MR. WEBB: It -- it -- yeah, it's downloading from the
16 SharePoint. Okay.

17 MR. JOHNSON: Okay.

18 Q BY MR. JOHNSON: And let me represent to you that this is
19 an Amazon document. So I'll ask you, have you ever seen it
20 before today?

21 A I have not.

22 Q Okay. So regardless of whether you've seen it before, all
23 I'm going to ask you about is, you see these stars that are
24 depicted on the -- on this document?

25 A Yes.

1 Q Okay. So I'm going to ask you about those particular
2 locations because that's in -- those represent access points to
3 the facility for automobile traffic, whether both an entrance
4 and exit or just an exit. Okay?

5 A Yes.

6 Q Okay. So at some point during the campaign, did you
7 become aware that there were -- there were other entrances or
8 exits other than the yellow-starred one, which is the main gate
9 that we're talking about -- the main gate intersection?

10 A Yes.

11 Q Okay. And when did that happen?

12 A Early on, well before October 20th.

13 Q Okay. Before October 20th. So let -- let me just take
14 you through the different starred access points here. So this
15 orange-starred access point is one where many of the trucks
16 come through, right?

17 A Yes.

18 Q Okay. But there's also vehicles that come through there,
19 too, which have employees in them, right?

20 A Very, very few. But yes.

21 Q Okay. Okay. Thank you. And then the blue starred access
22 point is also another traffic light intersection, right?

23 A Yes.

24 Q Okay. And then the pink-starred ac -- is actually an exit
25 where employees can -- can come out on Powder Plant Road but

1 solely turning right and north, correct?

2 A Correct.

3 Q And we'll get back to the -- the -- the yellow-starred
4 intersection but that's the one that you referred to as the
5 main gate intersection, right?

6 A Yes.

7 Q And then there's a roundabout off of Premiere and near
8 that roundabout is this red star which is known -- is another
9 entrance and exit on the BHM1 lot, right?

10 A Yes.

11 Q Okay. Now, let -- let's talk about the yellow star, the
12 main access point. How did you have people posted there in
13 total? I mean, when did -- did -- they first start on October
14 20th, but how long did they continue?

15 A Until March 29th.

16 Q Okay. March 29. So you had people up there continuously
17 until the -- the ballot tally. Do I have that right?

18 A Every day, yes. Yeah.

19 Q Okay.

20 A There was -- there was times of the day that there was not
21 people there but we were there every day.

22 Q Okay. And I believe you testified -- you gave some
23 numbers yesterday. Seems so long ago, yesterday. But -- and
24 you gave some numbers yesterday. But what were the numbers
25 like during the campaign of people there at that yellow-starred

1 exit?

2 A Generally, there'd be two to three organizers at that
3 exit.

4 Q Okay. And was that true for the entire duration of
5 October 20 to March 29th?

6 A Just about, yeah. There would be times where there would
7 be one or zero. But there was, for the most part, two to three
8 organizers.

9 Q Okay.

10 MR. JOHNSON: Now, if we can go to Exhibit 16. And this
11 is going to be, I believe -- if everything loaded correctly in
12 the SharePoint. This is going to be that yellow-starred
13 intersection approaching from Powder Point Road, if you're
14 approaching from the south heading north.

15 HEARING OFFICER MEYERS: Mr. Bailiff, could you pull 16,
16 please?

17 MR. JOHNSON: I'm sorry, Madam Hearing Officer. I'll keep
18 it re -- re -- reminding myself to ask you.

19 Q BY MR. JOHNSON: Okay. And this is it -- this is taken
20 after March 29, just let me represent to you. But you've seen
21 the -- the intersection before close up like this, right?

22 A Yes.

23 Q Okay. And that's it, correct?

24 A Yes.

25 Q Okay.

1 MR. JOHNSON: So let me -- can -- ask Madam Hearing
2 Officer if we can put up Exhibit 9 -- Employer Exhibit 9.

3 HEARING OFFICER MEYERS: Mr. Bailiff, can we put up
4 Exhibit 9?

5 MR. JOHNSON: And can we move -- can I enter Exhibit 16
6 into evidence while we're doing that?

7 HEARING OFFICER MEYERS: Okay. Any objection -- objection
8 to Employer's Exhibit 16, Mr. Davies?

9 MR. DAVIES: No objection.

10 HEARING OFFICER MEYERS: Thank you.

11 **(Employer Exhibit Number 16 Received into Evidence)**

12 HEARING OFFICER MEYERS: And Exhibit 14, were you going to
13 put that in through you own witness or did you want to move
14 that in too?

15 MR. JOHNSON: Well, I -- I'll put it in this -- I'll put
16 it in this way. I would ask that it get entered just for
17 the -- this -- at this point, just to represent the different
18 exits that Mr. Brewer testified to just now, the stars and --
19 and the eg -- the location of the exits.

20 HEARING OFFICER MEYERS: Okay. Any objection, Mr. Davies,
21 for admitting Employer Exhibit -- this is 14 for purposes of
22 identifying the exits from the parking lot?

23 MR. DAVIES: No objection.

24 HEARING OFFICER MEYERS: Employer 14 is admitted.

25 **(Employer Exhibit Number 14 Received into Evidence)**

1 MR. WEBB: Madam Hearing Officer, I do not see an Employer
2 Exhibit 9 in the --

3 HEARING OFFICER MEYERS: Employer's Exhibit 9 is the
4 traffic light. It's out of order. You've got to go down.

5 MR. WEBB: I got it. Okay.

6 MR. JOHNSON: Okay.

7 Q BY MR. JOHNSON: And let me just represent that this is a,
8 you know, stock news photo and that was -- you can see the
9 source on there. And -- and this is another view of that
10 intersection, correct?

11 A Yes.

12 Q Okay. And those three folks that you can see in the
13 foreground, those would be some of your organizers, right?

14 A Yes.

15 Q And this is about a typical number as you testified to
16 before of organizers there, correct?

17 A Yes.

18 Q Okay.

19 MR. JOHNSON: So if we can put up -- can -- can we move
20 this one into evidence?

21 HEARING OFFICER MEYERS: Any objections to Employer's
22 Exhibit 9 being received into evidence?

23 MR. DAVIES: I -- I'm -- I mean, for -- for what pur --
24 purpose other than -- I mean, I don't think Mr. Brewer can --
25 and this is a company document. I mean, they can get it

1 through one their witnesses. I mean, he can identify, yes,
2 that's three -- three of their organizers but I mean, we don't
3 know when the photo was taken.

4 HEARING OFFICER MEYERS: Is that part of the foundation
5 for a photo?

6 MR. JOHNSON: No. I mean, look he -- can I -- may I be
7 heard, Madam Hearing Officer?

8 HEARING OFFICER MEYERS: You may.

9 MR. JOHNSON: Look, he's testified it's an accurate view
10 of the intersection with the organizers in it. And I think
11 that's enough.

12 HEARING OFFICER MEYERS: So the -- what, specifically, is
13 this intending -- why do we need this exhibit? I don't really
14 want a billion exhibits that do nothing other than show us a
15 picture of -- we know organizers are there, why do we need this
16 exhibit?

17 MR. JOHNSON: All right. Well, it shows the approximate
18 location of these organizers at this time and where organizers
19 would be standing.

20 HEARING OFFICER MEYERS: The -- the -- okay. Any
21 objection to the receipt of Exhibit 9?

22 MR. DAVIES: No objection.

23 HEARING OFFICER MEYERS: Exhibit 9 is received into
24 evidence.

25 **(Employer Exhibit Number 9 Received into Evidence)**

1 MR. JOHNSON: Okay. And just to let you know, George, I
2 was going to go through 10 and 11, which are basically two more
3 versions of this at different times of day.

4 Can we put up Exhibit 11?

5 HEARING OFFICER MEYERS: Hold on. We've got to bounce
6 around pages, so --

7 MR. JOHNSON: I'm sorry. Exhibit 10. Forgive me.

8 HEARING OFFICER MEYERS: 10? Okay.

9 MR. JOHNSON: Yeah.

10 HEARING OFFICER MEYERS: That also is on a different page,
11 so --

12 MR. JOHNSON: Okay. And -- and this is a daylight photo
13 of the intersection taken from a little farther back.

14 Q BY MR. JOHNSON: Did -- is this an accurate representation
15 of the intersection?

16 A Yes.

17 Q Okay. And that is an accurate portrayal of where your
18 organizer would be standing on the concrete island, right?

19 A Yes.

20 Q And he has a sign -- he's holding a sign, correct?

21 A Yes.

22 Q And in fact, there's a little sign erected in front of
23 him, right?

24 A Yes.

25 Q And you testified some about, you know, your understanding

1 of where your folks could be. Does this photograph give you
2 a -- a, sort of, better perspective to explain that?

3 A Yes, sure.

4 Q Okay. Well -- so where could you -- I mean, obviously,
5 you could have them on the concrete island and you did. I
6 understand that. But -- but where else would they be?

7 A So there's a -- there's a patch of grass right on the
8 other side of that island that they would often stand at as
9 well. For the -- for the workers that were yielding right,
10 they would roll down their window -- passengers would often
11 roll down their window and throw their hands up.

12 Q Okay. On the way through. So they could be on that strip
13 of grass.

14 A Right.

15 Q Okay. And I think we'll have another -- another close-up
16 of that. Okay. And so can we -- oh, a couple other things
17 about this intersection just to point out. Now, there's a
18 yield sign that you can see over on the left side of this
19 photograph and that exists at that intersection, correct?

20 A Yes.

21 Q And that -- you were just testifying that people would be
22 in that yield lane turning right, correct?

23 A Correct.

24 Q Okay. And there's a desk in light with a walkway going
25 across there, right?

1 A Correct.

2 Q And that it's -- it -- it -- that -- that's to that same
3 light for people crossing Powder Plant, correct?

4 A Yes. Yes.

5 MR. JOHNSON: Okay. Can we move this one into evidence?

6 HEARING OFFICER MEYERS: All right. That is Exhibit
7 Number 10. Or is that 11?

8 MR. JOHNSON: This is 10.

9 HEARING OFFICER MEYERS: Exhibit Number 10. Any
10 objections, Mr. Davies?

11 MR. DAVIES: No objection.

12 HEARING OFFICER MEYERS: Exhibit 10 is admitted into
13 evidence.

14 **(Employer Exhibit Number 10 Received into Evidence)**

15 MR. JOHNSON: And let's go to 11. We'll take a few
16 seconds with that.

17 Q BY MR. JOHNSON: Okay. And this is a -- basically, same
18 perspective on -- on the photograph looking at this
19 intersection. This one's at night though. Does this look like
20 an accurate view of what the -- or early evening -- what the --
21 what the intersection looked like at that time of day, Mr.
22 Brewer?

23 A Yes.

24 Q And so the organizers on the concrete island hailing this
25 automobile who's in the -- not in the yield lane but in the

1 other lane, the straight or left-hand turn lane, correct?

2 A Yeah, I think he's waving, but yeah. That's correct.

3 Q Okay.

4 MR. JOHNSON: And can we move in 11?

5 HEARING OFFICER MEYERS: Any objection to Employer's
6 Exhibit 11?

7 MR. DAVIES: No objection.

8 **(Employer Exhibit Number 11 Received into Evidence)**

9 MR. JOHNSON: Okay. So now we'll quickly go through the
10 different places of interest going north on Powder Plant from
11 here with the bus stop. Can we bring up Exhibit 19?

12 HEARING OFFICER MEYERS: Mr. Bailiff, could you pull
13 Exhibit Number 19, please?

14 MR. WEBB: It is downloading from the SharePoint right
15 now.

16 HEARING OFFICER MEYERS: Okay.

17 MR. JOHNSON: Okay.

18 Q BY MR. JOHNSON: This is the bus stop just north of that
19 intersection, right?

20 A Yes.

21 Q Okay. And this is an accurate photograph depicting that
22 area, correct?

23 A Yes.

24 Q Okay. And that sidewalk goes -- that you see in the
25 foreground, if you follow it to the south, it goes directly to

1 that intersection that we've been looking at in our Exhibits 9,
2 10, and 11, correct?

3 A Yes.

4 Q Okay.

5 MR. JOHNSON: Can I move in Exhibit 19?

6 HEARING OFFICER MEYERS: Any objection to Exhibit 19, Mr.
7 Davies?

8 MR. DAVIES: No objection.

9 **(Employer Exhibit Number 19 Received into Evidence)**

10 MR. JOHNSON: All right. And going north from here a
11 little ways, you come to Exhibit 20. Can we pull that one up,
12 Madam Hearing Officer, Employer Exhibit 20?

13 HEARING OFFICER MEYERS: Mr. Bailiff, can you pull up
14 Employer's Exhibit 20?

15 MR. JOHNSON: This is more of a low-resolution picture so
16 I apologize about that. Okay.

17 Q BY MR. JOHNSON: And Mr. Brewer, this is in fact that
18 pink-starred gate, the -- not gate -- well, the exit area
19 that -- that runs out on the Powder Plant right there, correct?

20 A Yes.

21 Q Okay.

22 MR. JOHNSON: I'd like to move in Exhibit 20.

23 HEARING OFFICER MEYERS: Any objection to Exhibit 20, Mr.
24 Davies?

25 MR. DAVIES: No objection.

1 HEARING OFFICER MEYERS: Exhibit 20 is admitted.

2 MR. JOHNSON: Okay. And going a little further, we get to
3 Exhibit 21.

4 HEARING OFFICER MEYERS: Mr. Bailiff, can you put up
5 Exhibit 21, please?

6 Q BY MR. JOHNSON: And this is the blue-starred gate that we
7 talked about, where, basically, Powder Plant Road crosses
8 Powder Plant Lane. Isn't that correct?

9 A Yes.

10 Q And it's an accurate photograph -- photographic depiction
11 of that area, right?

12 A Yes.

13 Q Okay.

14 MR. JOHNSON: Can we move in 21?

15 MR. DAVIES: No objection.

16 HEARING OFFICER MEYERS: Thank you. And 21 is admitted.

17 **(Employer Exhibit Number 21 Received into Evidence)**

18 MR. JOHNSON: And for the last access point on our
19 northern tour of Powder Plant Road, can we pull up 37, which I
20 realize is all the way at the bottom. Okay.

21 Q BY MR. JOHNSON: And this is basically where Fivestar
22 Parkway crosses on Powder Plant Road, which is the orange-
23 starred access point from our prior exhibit, Exhibit 14, right?

24 A I believe so. Is this the truck driver entrance?

25 Q Yes, trucks can go in this entrance.

1 A Yes. Yes.

2 Q Is that -- looks correct?

3 A That's correct.

4 Q Okay. And so that's a correct depiction of that
5 intersection, correct, sir?

6 A Yes.

7 MR. JOHNSON: Can we move 37 in?

8 HEARING OFFICER MEYERS: Any objection to 37, Mr. Davies?
9 You're -- you're -- you're muted but it --

10 MR. DAVIES: No objection. No objection.

11 HEARING OFFICER MEYERS: I was going to say, reading your
12 lips, I think you said no objection. 37 is admitted.

13 **(Employer Exhibit Number 37 Received into Evidence)**

14 MR. JOHNSON: All right. So let's go back to 16, which is
15 the main -- Employer Exhibit 16, Madam Hearing Officer, which
16 is a picture of the subject, so-called, main gate intersection.

17 HEARING OFFICER MEYERS: Mr. Bailiff, can we go back to
18 16, please?

19 Q BY MR. JOHNSON: Okay. So the Amazon fulfillment center
20 is up on that rise that's on the right side of the picture,
21 correct, Mr. Brewer?

22 A Yes.

23 Q Okay. And then there's that yield sign that we saw in one
24 of the earlier exhibits but you can see it clearly here in this
25 photograph, right?

1 A Yes.

2 Q Okay. And that's -- that deals with the traffic that
3 it -- that is coming from east to west down Premiere and it's
4 making a right turn, correct?

5 A Yes.

6 Q Okay.

7 MR. JOHNSON: And now if we can pull up 23.

8 HEARING OFFICER MEYERS: Mr. Bailiff, can you pull up
9 Exhibit Number 23, please?

10 MR. JOHNSON: Okay. Actually, you know what, I asked you
11 about that. 22, I'm sorry.

12 HEARING OFFICER MEYERS: Mr. Bailiff, will you pull
13 Exhibit 22, please?

14 Q BY MR. JOHNSON: Okay. And this is what it looks like
15 when you're coming out of BMH1 down Premiere into this
16 intersection, right?

17 A Yes. Yeah, that's right.

18 Q Okay. And so let me ask you question -- some questions
19 about where you had the organizers stationed. You see this
20 stripes painted on the asphalt in the -- sort of the left-
21 center at the other triangular area?

22 A There's -- you mean the -- there's like a light almost
23 rectangle painted in the middle of the lane. Are you referring
24 to that?

25 Q No, sir. It -- it's more triangular. So if you'd look

1 on -- at basically the center line of the photo, going across
2 and you go -- you move your eyes to the left, you'll see what
3 looks like a painted pattern that -- that is on the road,
4 Powder Plant Road. You see that?

5 A Yes.

6 Q Okay. Now, did you ever instruct organizers to go into
7 that area?

8 A No.

9 Q Okay. And why not?

10 A If -- I mean if we're talking about the same area, which I
11 think you're referring to the one in the middle of the lane
12 there, because it's the middle of the road.

13 Q Okay. I'm actually trying to -- let me make it a little
14 clearer. There appears to be a pattern that -- of painted
15 stripes but they're not all straight. It's a triangle. And it
16 looks like, for example, this is -- if you're making a --
17 coming in from Powder Plant, coming in from the left and you're
18 making a right turn to be coming up the hill, do you see where
19 that -- that painted pattern is?

20 A I do.

21 Q Okay. And so you told your instructors (sic) not to go
22 into that area, right?

23 A Correct. That would've been unsafe.

24 Q Right, because it's not safe, right?

25 A Right. I mean, they weren't standing in that area.

1 Q Okay.

2 A No, that was a -- not standard.

3 Q But they could be standing in the concrete island that's
4 over on the right center of photograph, correct?

5 A Yes.

6 Q Okay.

7 A There's a -- there's a reason for that. So the traffic
8 coming in, on the left-hand side there, would've been much
9 faster and travelling at a high rate of speed. They're
10 yielding in, they're also coming in to work, which we didn't
11 talk to workers coming in to work. And on those two lanes on
12 the right-hand side, they were creeping out of the facility to
13 a red light. It was very different, you know, atmosphere.

14 Q Okay. No, I -- I understand your rationale but I just
15 wanted to make clear that nobody was standing there, correct?

16 A Correct.

17 Q Okay.

18 MR. JOHNSON: And so then, let's take a closer look at the
19 yield sign and the concrete island.

20 Can we go to Exhibit 18, please? Oh, let me enter -- move
21 22 into evidence.

22 HEARING OFFICER MEYERS: Any objection to 22?

23 MR. DAVIES: No objection.

24 HEARING OFFICER MEYERS: 22 is admitted into evidence.

25 **(Employer Exhibit Number 22 Received into Evidence)**

1 MR. JOHNSON: Okay. And this would be -- 18 is a correct
2 view of the, you know, complete, fair, accurate, and correct
3 view of the concrete island and the environs of the yield sign,
4 right?

5 A Yes.

6 Q Okay. And does this -- you talked about the grass strip
7 on -- in -- where organizers could be in your testimony a
8 little earlier. Do you recall that?

9 A Yes.

10 Q Okay. So I understand they could be on the sidewalk. Do
11 you see the grass strip here?

12 A Yes.

13 Q Okay. And where is it?

14 A It's right in front of the -- the view here.

15 Q Okay. So it's basically the strip in between -- the grass
16 strip is in between the sidewalk and the actual road itself?

17 A Correct.

18 Q Okay. In -- in other words, in between the sidewalk and
19 the curb.

20 A Yes.

21 Q Okay. And then --

22 MR. JOHNSON: Can we move this one into evidence?

23 HEARING OFFICER MEYERS: I'm sorry, this is Exhibit --

24 MR. JOHNSON: 18. Employer Exhibit 18.

25 HEARING OFFICER MEYERS: 18? Yield sign? Yes.

1 MR. JOHNSON: Okay.

2 HEARING OFFICER MEYERS: Any objection to Employer's
3 Exhibit 18?

4 MR. DAVIES: No objection.

5 MR. JOHNSON: And just --

6 HEARING OFFICER MEYERS: Exhibit 18 is admitted into
7 evidence.

8 **(Employer Exhibit Number 18 Received into Evidence)**

9 MR. JOHNSON: Thank you, Madam Hearing Officer. And just
10 one more new exhibit to get in and then we'll be ready to roll
11 with our exhibits.

12 Can we pull up Exhibit 17, Madam Hearing Officer?

13 HEARING OFFICER MEYERS: Mr. Bailiff, can you pull up
14 Exhibit 17, please?

15 MR. JOHNSON: Okay.

16 Q BY MR. JOHNSON: And this is that same concrete island and
17 yield sign and a yield crosswalk from Exhibit 18, correct?

18 A Yes.

19 Q And we're just looking at it from the north, looking
20 south, right?

21 A Right.

22 Q Okay.

23 MR. JOHNSON: Can we move this one in, Exhibit 17?

24 HEARING OFFICER MEYERS: Any objection to -- pardon me --
25 Employer's Exhibit 17?

1 MR. DAVIES: No objections.

2 MR. JOHNSON: Okay. I'll --

3 HEARING OFFICER MEYERS: Exhibit is admitted.

4 **(Employer Exhibit Number 17 Received into Evidence)**

5 MR. JOHNSON: There is one left. There's one left. Let
6 me just go to Employer Exhibit 23. Okay.

7 Q BY MR. JOHNSON: And this is -- did you ever had a -- have
8 a chance to stand on the concrete island?

9 A Yes.

10 Q Okay. This is the view from the island looking back up
11 the hill on -- on -- that Premiere crosses on its way into the
12 facility, right?

13 A Yes.

14 Q Okay. And this is a true and accurate photographic
15 depiction of that view, right?

16 A Yes.

17 Q Okay. And the strip that you talked about where
18 organizers can be, you can see that strip running up the hill,
19 correct?

20 A Correct.

21 Q Okay. And how far up the hill would the organizers go?

22 A They -- they really wouldn't go much into this picture, to
23 be honest. It was more on the left-hand side that's not
24 pictured.

25 Q Okay. So would they go up to where the sign was, the

1 Amazon sign, and not past that?

2 A They definitely --

3 Q Is that your testimony?

4 A -- didn't go past the Amazon sign. I don't think they
5 even went to the Amazon sign. The -- it just wasn't practical,
6 really.

7 Q Okay.

8 MR. JOHNSON: Now, if we can just go back to, let's say,
9 18. Oh, well, it -- can I move 23 in?

10 HEARING OFFICER MEYERS: Any objections to Employer's 23,
11 Mr. Davies?

12 MR. DAVIES: No objection.

13 HEARING OFFICER MEYERS: Obj -- Employer's 23 is admitted.

14 **(Employer Exhibit Number 23 Received into Evidence)**

15 MR. JOHNSON: Okay. So there was 18. So we're looking at
16 the yield.

17 Q BY MR. JOHNSON: And I'm guessing you did not tell your
18 organizers to block traffic by just standing in the yield
19 crosswalk, correct?

20 A Correct.

21 Q Okay. And so they didn't do that to your knowledge,
22 correct?

23 A Correct.

24 Q So they were -- you -- either on the -- they -- they
25 either stayed on the concrete island or they were on the grass

1 strip. Do I have that right?

2 A Correct.

3 Q Okay. And the grass strip would be the strip that you --
4 that we -- you've already testified about but it's the one in
5 the foreground, correct?

6 A Sure, up -- up closer to the yield sign.

7 Q Okay. So would it be fair to say that -- that they --
8 they would be standing on the grass strip near the yield sign?

9 A Yes.

10 Q Okay. So I -- I want to talk to you about the traffic
11 going up to that yield sign. I imagine you'd agree with me
12 that the traffic coming here can go to the right at the yield
13 sign, regardless of whether that light that you see here on the
14 screen is green or red or yellow, correct?

15 A If traffic permitted, yes.

16 Q Right. And that's the driver's decision, if it's -- if
17 it's clear to go on Powder Plant Road, then they can merge onto
18 Powder Plant Road, right?

19 A Right.

20 Q Okay. So if there wasn't any oncoming traffic, a driver
21 could go through that yield without stopping for the red light,
22 correct?

23 A Sure. If there was no oncoming traffic.

24 Q Okay. So in other words, that -- whether that driver
25 yields is not controlled by the red light.

- 1 A I would disagree.
- 2 Q Okay. Well, how is it controlled by the red light?
- 3 A So if the light is green on the main intersection, there's
- 4 going to be more traffic. If it's red, the traffic's stopped.
- 5 It's much easier for a car to yield.
- 6 Q Okay. Well, if the -- if the -- well, wait. If -- so if
- 7 the traffic is red, what you're saying is it's easier -- if
- 8 it -- sorry -- if the traffic light is red, what you're saying
- 9 is that it -- it's easier for a driver to yield.
- 10 A I just saying it would vary. I'm not -- I'm not really
- 11 sure exactly what would be easy or not. I'm just saying that
- 12 it would be controlled through the traffic pattern. I'm not
- 13 sure --
- 14 Q Well, isn't it the driver's choice as to whether to go
- 15 through the yield sign regardless of whether that is a red
- 16 light or yellow light or green light?
- 17 A Yes.
- 18 Q Now, that red light applies to people that are going
- 19 straight into Shirley Park, which you can see in the background
- 20 here, or going left, correct?
- 21 A Correct.
- 22 Q Okay. So for those people, they've got to stop if the
- 23 light is red, correct?
- 24 A Correct.
- 25 Q And you -- I mean, did you spend a significant amount of

1 time out by this intersection?

2 A I did.

3 Q Okay. And that's what Shirley Park look -- looks like in
4 the background, right?

5 A The road that goes straight across, yes.

6 Q Right. That -- that -- that area with the office
7 buildings, correct?

8 A Yeah.

9 Q Okay. And that road doesn't go through. That just goes
10 into that little office park, right?

11 A That's right.

12 Q Okay. And so there's not too many people that are going
13 to be going straight through this light because they're going
14 to want to get -- the -- the -- people are going to wanting to
15 get home on Powder Plant, correct?

16 A Yes.

17 Q So in actuality, the red light really controls the people
18 who are turning left, correct?

19 A I -- I would just dis -- no. No. I don't think that's
20 correct. So if the -- if the main road light is green, then
21 traffic is going to flow through there. If it's red, then it
22 may stop, so it -- it's a four-way intersection. So I think
23 that the -- the lighting does affect all things but -- you
24 know, so I mean, it just to answer that question.

25 Q Well, it -- my question wasn't does it affect it. Let

1 me -- let me ask it to you this way.

2 A Sure.

3 Q So that red light applies to people who are going straight
4 or left, correct?

5 A Correct.

6 Q Okay. And so we know not many people went straight
7 because that's just into an office park, correct?

8 A Correct.

9 Q So the -- that -- that traffic light applies to people who
10 are making a left turn going south on Powder Plant Road,
11 correct?

12 A Correct.

13 Q Okay. Now, I want to take you back to the bus stop for a
14 second.

15 MR. JOHNSON: If we can go back to Exhibit 19.

16 HEARING OFFICER MEYERS: Mr. Bailiff, can we go back to
17 Exhibit 19?

18 Q BY MR. JOHNSON: Now, you testified there weren't too many
19 busses that came into this stop, correct?

20 A There was busses. There wasn't a whole lot of activity
21 getting on and off the busses.

22 Q Right. But I mean, there weren't -- you know, there
23 weren't a lot of people coming in and off at that stop, right?

24 A Correct.

25 Q Okay. And there were many times where there was no bus at

1 that stop, right?

2 A That's correct.

3 Q Okay. So if you wanted to, you could have a conversation
4 with employees after they pulled through the yield sign and
5 stopped at the bus stop, right?

6 A No.

7 Q Okay. Why not?

8 A The police told us not to.

9 Q Okay. So the police instructed you, you couldn't -- you
10 couldn't use that area?

11 A They said that we had to keep that -- that's right on
12 the -- the public roadway to yield to the busses, we had to
13 keep that clear.

14 Q Okay. So they told you, you had to keep that clear at all
15 times, right?

16 A That's correct.

17 Q Okay. But you could direct them to go talk to you at the
18 tent, correct?

19 A That's correct.

20 Q Now, you -- you talked -- you testified some about workers
21 at BHM1 yesterday. Do I have that right?

22 A I don't understand the question. I'm sorry.

23 Q Well, you -- you testified some about workers at BHM1 in
24 terms of en -- encountering them and talking to them at this
25 intersection. Do I have that right?

1 A Yes.

2 Q Okay. And would you say that commuting is an important
3 part of a worker's everyday work experience?

4 A Commuting is an important part of their work experience?

5 Q Yes. Commuters from work.

6 A Yes.

7 Q Okay. And that determines how quickly they can get home
8 at the end of their shift, right?

9 A That's correct.

10 Q And there can be workers who don't mind waiting for a
11 traffic delay on their way home and there can also be workers
12 who do mind waiting for that delay, correct?

13 A That'd be correct.

14 Q And some workers could be coming off of a long shift and
15 want to get home as soon as possible at this intersection,
16 right?

17 A Yes. I mean, I think that's -- but that's also
18 speculative too. I don't -- I don't really -- I mean, there
19 was also workers, to your point -- you know, I think trying
20 to -- you're asking me to read what workers were thinking at --
21 at that point and I'm not sure I can do that either.

22 Q Well -- okay. So let me just ask it to you this way. Is
23 it your testimony that every person was perfectly fine with
24 traffic delays that happened at this intersection? There
25 wasn't a single worker who was impatient to get home, from what

1 you able to observe from their -- the movement of their cars?

2 MR. DAVIES: Objection, argumentative.

3 THE WITNESS: I don't know --

4 HEARING OFFICER MEYERS: Overruled. Overruled.

5 THE WITNESS: -- the answer.

6 Q BY MR. JOHNSON: Okay. So the fact is you don't know?

7 A I don't know, no.

8 Q Okay. And isn't the purpose of the traffic signal to help
9 out with the safe and efficient movement of traffic?

10 A Yes.

11 Q Do you know how many employees were trying to get out of
12 BH1 -- BHM1 facility during a shift change?

13 A I don't know.

14 Q Okay. Were you able to observe a line of cars going all
15 the way up Premiere at a shift change?

16 A I was -- it would seem like normal red-light traffic to
17 me. I mean, it would -- there would be, you know, back-ups at
18 cha -- at shift change like every other shift change I've ever
19 seen.

20 Q Okay. So there would be back-ups?

21 A Yeah. I mean, the -- when the light turns red, there'd be
22 cars that would back up. And then the light would go green and
23 they would go through.

24 Q Okay. And that was true after December the 15th, correct?

25 A Not really. There was -- you know, it was a very

1 difference. There was a -- a -- there wasn't very many cars
2 that would stop at all. It generally seemed like once a car
3 hit a spot on that road -- on Premiere, it would just turn
4 green.

5 Q Okay. So let me -- let me ask you --

6 MR. JOHNSON: Let's go back to Exhibit 15. Okay. So
7 we're -- we're looking at the overhead view now.

8 Q BY MR. JOHNSON: So Mr. Brewer -- so you'd agree with me
9 that coming out of the BHM1 lot, heading to this intersection,
10 the lane coming out of the facility is actually the right lane
11 that turns -- that -- that becomes this yield lane, correct?

12 A Correct.

13 Q This -- it's the same lane, right?

14 A Correct.

15 Q And traffic could be backed up all the way up that lane
16 into the facility, correct?

17 A Could it be?

18 Q Well, let me say it. Did you -- did you ever observe it?

19 A I did not, no.

20 Q So you never observed it ever being backed up?

21 A To the parking -- like, into the parking lot there? No, I
22 did not.

23 Q Okay. And how many times were you there -- were you out
24 there daily?

25 A I was out there many times. I -- I don't know exactly.

1 But you know, many.

2 Q Twice a week?

3 A Well, we were there for five months. I mean, I would
4 probably say I was there 50 to 60 times, 70 times. I mean, a
5 lot, maybe 100.

6 Q Okay. So you were -- so over a five-month span of 150,
7 you think you were there 100 times?

8 A Sure.

9 Q Okay.

10 A I think that would be -- that's obviously --

11 Q And -- and your testimony is, you never saw a back-up that
12 went back up the hill into the -- where that curve is, going
13 into the facility?

14 A No. So you're saying, like, that right-hand lane that
15 would yield on, I -- that -- I did not see that, no.

16 Q Okay. Do you whether or not employees reported concerns
17 to Amazon about traffic backing up in this area?

18 A I don't know, no.

19 Q You know if employees reported concerns to Amazon about
20 having to wait to get out through this intersection?

21 A No.

22 Q And you had your organizers there because you believed
23 that Amazon employees used this particular intersection most,
24 out of all of them, to get out of the facility, right?

25 A Yes. They would actually -- Amazon would actually lock

1 the other gates at times, so.

2 Q Okay. So did -- you -- you felt this one was the main
3 area where they would be leaving?

4 A Yes.

5 Q Now, that -- I mean, basically, you had the traffic -- or
6 the -- for lack of a better word, between October 20, 2020 and
7 December 15th, the traffic light was cycling through in such a
8 way so you did have the opportunity to talk to a lot of people,
9 correct?

10 A Correct.

11 Q Okay. And isn't it possible that all the people who had
12 wanted to talk to you at that point, by December 15, had
13 already -- had already talked to you?

14 A I don't know.

15 Q Okay. So you don't know one way or another?

16 A Right.

17 Q Okay. Did -- now this traffic light -- and by traffic
18 light, I mean, all four strings of lights hanging over this
19 intersection -- that goes over the County Route 47, right?

20 A Yes.

21 Q That's Powder Plant Road, right?

22 A Yes.

23 Q So Jefferson County owns that light, right?

24 A I -- it's -- that's what I've been told.

25 Q Okay. You don't know it for a fact, correct?

1 A No.

2 Q Okay. But -- but it's not Amazon property, right?

3 A No. I mean, correct. It's --it's over the road.

4 Q Right. It's over a public road, correct?

5 A Correct.

6 Q Okay. And in your conversations with the workers about

7 conditions in BHM1, isn't it true that peak is the busiest time

8 of the year at this facility?

9 A Holiday season? Yes.

10 Q Right. And -- and that's happening in mid-December,

11 correct?

12 A It was also happening in October and November. But yes,

13 peak season was also in mid -- it was winding down in mid-

14 December, nearly done.

15 Q Right. But I mean, if Amazon has two-day delivery,

16 theoretically it's not over until --

17 A Theoretically, there was -- you know, we had exhausted 80

18 days but there was 5 days left of peak season, yeah.

19 Q Okay.

20 A Yeah.

21 Q Okay. So -- but it would -- so we were still in peak,

22 right?

23 A Technically, yes.

24 Q Okay. And this is BHM1's very first peak, right, because

25 it's a new facility?

1 A Correct.

2 Q Okay. And would it surprise you to know that 2,000 people
3 are leaving work at the end of the -- the busiest shift during
4 peak?

5 A You know, I -- again, I -- I wouldn't know. So I mean, I
6 wouldn't -- you know, I wouldn't -- I wouldn't say I'd be
7 surprised, but I wouldn't know that number.

8 Q Okay. So it's fair to say you wouldn't be surprised that
9 you don't know the exact number?

10 A Correct.

11 MR. JOHNSON: All right. So if we can pop up Exhibit 9.

12 HEARING OFFICER MEYERS: Mr. Bailiff, can you bring up
13 Exhibit 9 please?

14 Q BY MR. JOHNSON: Okay. And -- and this exhibit's already
15 in evidence, but I wanted to ask you about the vests these
16 organizers are -- are wearing. Do you see this bright yellow
17 vests?

18 A I do.

19 Q They're bright orange. I'm sorry.

20 A Yeah, they are orange. Yes.

21 Q Yes, they are orange. We --

22 A Yes.

23 Q -- we agree on that. So those are reflective safety
24 vests, right?

25 A Yes.

1 Q And you instructed the organizers to wear those vests,
2 correct?

3 A Correct.

4 Q And that's what those vests look like, right?

5 A Correct.

6 Q And you wanted them to wear them day and night, right?

7 A Yes.

8 Q Okay. And that was because safety of your organizers was
9 a concern to you, correct?

10 A Correct.

11 Q And safety of the drivers of the vehicles was important
12 too, right?

13 A That's correct.

14 Q I mean, it's a bad thing to have a vehicle hit a person,
15 right?

16 A That would be bad, correct.

17 Q Right. And it's a bad thing to have a vehicle-on-vehicle
18 collision, correct?

19 A Correct.

20 Q Do collisions happen in Birmingham, vehicle-on-vehicle
21 collisions?

22 A I mean, yes. Yeah. Do car accidents happen in
23 Birmingham? Yes.

24 Q Have you seen people running yellow lights in Birmingham?

25 A I don't know. I mean, I don't know in Birmingham. I'm

1 not in Birmingham that much.

2 Q Okay. That's fair enough.

3 A Yeah.

4 Q I mean, do you think it's more likely a person who's been
5 waiting for a long time at a light -- waiting for it to change
6 is going to try and run the light if by chance?

7 MR. DAVIES: Objection.

8 MR. ROUCO: I'm going to --

9 MR. DAVIES: It's speculative.

10 MR. ROUCO: -- yeah.

11 MR. DAVIES: Vague.

12 HEARING OFFICER MEYERS: Who is -- who is objecting here,
13 Mr. Rouco? Yes, Mr. Davies. It's sustained.

14 MR. ROUCO: I -- I will -- I'm sorry. I -- I will -- I
15 will hold my --

16 HEARING OFFICER MEYERS: Sustained.

17 MR. JOHNSON: Okay.

18 Q BY MR. JOHNSON: Now, you testified a little bit about
19 what the conditions were like at that intersection after
20 December 15th. Did you submit a written -- did your Union
21 submit a -- a written complaint to the county about the -- what
22 was going on at the intersection after the -- after the light
23 change?

24 A Did our Union submit a written complaint? Not that I'm
25 aware of.

1 Q Okay. And did the police ever show up at that
2 intersection after December the 15th to station an officer
3 there to direct traffic?

4 A Not that I'm aware of.

5 Q Okay. And did they ever set up a flagger there to direct
6 traffic?

7 A Not that I'm aware of.

8 Q Okay. And both before and after the traffic light
9 adjustment in mid-December, there were still cars that were
10 waiting at that traffic signal on Premiere stopped in the
11 straight and left-hand lane, right?

12 A Barely. If there was, it was just for a second -- more of
13 a slowdown into a rolling stop.

14 Q Okay. Well, were you aware that the light was adjusted
15 from 60 seconds of red to 35 seconds of red?

16 A I was not aware of any exact timings.

17 Q Okay. Did you personally show up and actually time it?

18 A I didn't time it with any kind of stopwatch.

19 Q Okay. And did -- but after the change was made, that
20 light would still turn red, correct?

21 A Yes.

22 Q And there would be opportunities there because cars would
23 be stopped at that red for your organizers on the island to
24 talk to them, correct?

25 A Very few and far between, but there was some.

1 Q Okay. And -- and -- and the yield lane -- I mean, that
2 was up to the drivers as to whether they wanted to stop, not
3 the -- not the light, so you still had opportunities in that
4 lane if the driver wanted to stop and talk to you, right?

5 A No. So again, I will reiterate: If there's oncoming
6 traffic and that light is green, then that car would stop at
7 the yield sign. If the traffic on the main highway is stopped,
8 that car is free to yield with no incoming traffic. So it
9 absolutely directly affected the yield lane as well.

10 Q Right. But it's up to the driver at that point if they
11 want to stop or not. I mean, they can --

12 A Well, obviously, it's up to the driver, yes.

13 Q Right. So if they wanted to talk to you, they could still
14 talk to you, correct?

15 A If they -- yeah, if they stopped with no cars coming,
16 right, which would be I think -- that might be illegal, though,
17 to just stop in a yield lane for no reason.

18 Q Okay. So --

19 A I don't know.

20 Q Right. But I mean, weren't your organizers stopping these
21 cars before December 15 in the yield lane?

22 A If they were stopped by traffic, then they would be
23 stopped. So they would reach their hand out and grab a -- a
24 handler.

25 Q Okay. And otherwise, they -- they would be -- if there

1 wasn't any oncoming traffic, it's up to them as to whether to
2 stop or not, right?

3 A Yes.

4 Q Okay. Now, December 15 is wintertime, right?

5 A In Alabama, yes.

6 Q Yeah. And I know Alabama winters aren't, you know,
7 obviously like Maine winters, but -- but in the -- in the
8 morning or in the evening, it might be a little cool out,
9 right?

10 A Correct.

11 Q So there's going to be some people that just keep their
12 windows up and drive on by, correct?

13 A I -- yes. It's cold. I'm not sure -- depends.

14 Q Like, okay. Well, you were out there in the wintertime,
15 right?

16 A Yes.

17 Q It can be chilly early in the morning?

18 A I -- I would honestly have to say that I -- I don't think
19 workers were that cold in Alabama to -- to not roll their
20 windows down.

21 Q Okay. Well, I mean, did you ever see anybody who kept
22 their window up during this time period, let's just say,
23 December through February?

24 A Of course.

25 Q Okay. Yeah, managers used that exit too, so --

1 Q Right. And -- and you know, maybe they wanted to get home
2 as well, correct?

3 A I don't know.

4 Q Okay. You -- you've got no idea what they were thinking.

5 A I don't know what their plans were. Maybe they were going
6 somewhere. I -- I -- you know, you're asking me a lot of
7 speculative questions and I'm just not sure of the answers to.
8 I don't know what management was -- was doing after work.

9 Q Well, let me ask you this way: Management could be using
10 those lanes after their shift was over, right?

11 A Yes.

12 Q Okay. Now, you still distributed flyers or leaflets at
13 the traffic light after December 15, correct?

14 A Yes.

15 Q Okay. Do you remember what they said?

16 A There was a lot of communication put out, so no. I mean,
17 I -- you know -- I don't --

18 Q Okay.

19 A -- yeah.

20 Q Well, if we showed you some flyers, could you tell us the
21 ones that were still distributed at the light?

22 MR. DAVIES: Madam Hearing Officer, we've been going for
23 over an hour now. Can we take a -- a five-minute break, use
24 the restroom? Is this a good time to -- that's -- that's if
25 we're switching to -- to a different tact.

1 HEARING OFFICER MEYERS: I think --

2 MR. DAVIES: We're getting away from maps and -- and
3 things like that.

4 HEARING OFFICER MEYERS: Any objections to taking a five-
5 minute break, Mr. Johnson?

6 MR. JOHNSON: No, not at all. Not at all.

7 MR. DAVIES: Thank you.

8 HEARING OFFICER MEYERS: All right. We will be in recess
9 in -- let's take a -- a nine-minute break and make it nice and
10 even. Recess until 11:20 Eastern Time, 10:20 Central Time.

11 Mr. Brewer, you can turn off your camera and your
12 microphone, but please be back by 10:20 your time.

13 Okay, thank you all. We are in recess until 10:20 Central
14 Time. Off the record.

15 (Off the record at 11:12 a.m.)

16 THE COURT REPORTER: On the record.

17 HEARING OFFICER MEYERS: Mr. Johnson, you may proceed.

18 MR. JOHNSON: Thanks.

19 **RESUMED CROSS-EXAMINATION**

20 Q BY MR. JOHNSON: Hi. Welcome back, Mr. Brewer. And --
21 and feel free if the testimony's going long and you need to
22 take a break to just ask for a break. Okay?

23 A Sure, thank you.

24 Q Sure.

25 MR. JOHNSON: Okay. So can we pull up 18, Exhib --



1 Employer's Exhibit 18, Madam Hearing Officer?

2 HEARING OFFICER MEYERS: We can. Let -- Mr. Bailiff, do
3 you have that open yet or do you want me to share? And I'm not
4 hearing you, so --

5 MR. WEBB: I got it.

6 HEARING OFFICER MEYERS: -- you got it? Okay.

7 Q BY MR. JOHNSON: Okay. So we're looking again at the
8 intersection -- a few more questions about this. I mean, you
9 testified some about the grassy strip here a little earlier.
10 Do you remember that?

11 A I do.

12 Q Okay. And you put up -- after December 15 and before
13 December 15, the Union had signs up in this area, correct?

14 A Correct.

15 Q Okay. And some of the signs were in the grassy strip,
16 right?

17 A I believe so.

18 Q Okay. And do you recall what those signs said?

19 A I do not.

20 Q Okay. Were the signs basically, please support the Amazon
21 Union; vote yes?

22 A No, they were, like, stronger togeth -- yeah. I mean, but
23 over -- overall campaign -- you know, stronger-together type
24 messaging, you know.

25 Q Right. But you asked for employees votes too in those

1 signs, I imagine.

2 A I would assume so. I -- but you know, I'm not sure which
3 sign would have -- be -- would have been -- there was just --
4 there was different signs. Some -- some had vote-yes messaging
5 and some were just simple -- more, you know, just positive,
6 encouraging messages.

7 Q Okay. But --

8 A Somebody saw -- yeah. I'm not sure which sign that you're
9 referring to.

10 Q Sure. To boil it down, though, the signs were promotional
11 of the Amazon Union or RWDS unit. Do I have that right?

12 A No. I mean, I would just say it -- I mean, I'm not trying
13 to be argumentative, but I think -- you know, but a lot of the
14 committee made the signs that were simply just, you know,
15 messaging about them coming together. It wasn't really RWDS-
16 branded. There was also solidarity signs from other unions.
17 And so I'm just not -- I'd have to see the sign that you'd be
18 referring to.

19 Q Okay. Well, to -- to make it even broader then, were the
20 signs positive about the Amazon Union and/or RWDSU?

21 A They were positive about the idea of coming together.

22 Q Okay. And -- and that was one of your messages to
23 encourage people to organize at BHM1, right?

24 A Yeah, that's the Union message, that workers coming
25 together have a stronger voice than being apart.

1 Q Right. I -- I understand that's one of the pitches you
2 made in the campaign, but that -- that's one of the pitches you
3 made in the campaign, right?

4 A That's -- that's -- that's just a true -- a fact. Yeah,
5 about Unions and some -- and you know, again, I'm not sure
6 what --

7 Q Right. I under -- I understand your point of view, but
8 taking your own words, you had signs representing that fact in
9 the grassy strip before December 15, 2020, right?

10 A Yes, yeah.

11 Q And that --

12 A I believe -- I believe so.

13 Q And is that true?

14 A We definitely had signs. I'm -- I'm just being hesitant
15 on this grassy strip because there wasn't -- if there was, I --
16 I'm not sure, but there may have been more. I'm really not
17 sure.

18 Q Okay. So if -- okay. So let me -- let me just make sure
19 I understand your testimony. So your testimony is you don't
20 know whether you had signs or not that were up in this area?

21 A On this particular grassy strip in front of you, that's
22 the answer, yes. We definitely had tons of signs around the
23 area.

24 Q Okay. Were there -- were there signs not in this grassy
25 strip, but you know, within 100 yards of where this photo was

1 taken?

2 A Yes, there was banners too. You know, the -- and it --
3 that's was, like, across the street. There was a banner with
4 the website on it.

5 Q Okay. And what was the website?

6 A At times, at the early part of the campaign, it was an
7 Amazon Union website.

8 Q Okay.

9 MR. JOHNSON: Well, just so I can understand where this
10 stuff was, can we pull up Employer 13, Madam?

11 HEARING OFFICER MEYERS: Mr. Bailiff, can you pull up
12 Employer 13 please?

13 Q BY MR. JOHNSON: Okay. Can you see that, sir?

14 A Yes.

15 Q Okay. And so -- so where was the banner with the website
16 posted looking at this?

17 A They would have been across the street from the
18 intersection on the other side near that -- when you were
19 showing that picture with the other buildings where you could
20 go straight across the intersection, it would have been across
21 the intersection over there in that -- that grassy area.

22 Q Oh, so it would be in or around where the word Shirley
23 Park Drive are on Exhibit 13?

24 A That's correct.

25 Q Okay. And if -- and -- and -- and it would be, you know,



1 in the background in Employer Exhibit 18, which was the photo
2 we were just looking at, right?

3 A Yes.

4 Q Do you want to see that one again?

5 A No, yes. Yes, so that's -- that's -- that's one of the
6 signs that I would be aware of, yes.

7 Q Okay. All right. And then, were there -- were there
8 signs -- actually, this is it.

9 MR. JOHNSON: Maybe we could pull up 15 to give you a
10 better view for this next question. Can we -- Madam Bailiff,
11 can you please pull up 15?

12 Q BY MR. JOHNSON: Okay. So you see that on Employer's
13 Exhibit 15 there is this -- you can see the grassy strip in
14 between the sidewalk and Premiere Parkway, too, right?

15 A Yes.

16 Q Did you have signs along there?

17 A I'm not sure.

18 Q Okay. Did you have signs north of that sidewalk as you
19 were heading up the -- the, for lack of a better word, the
20 berm?

21 A Yeah. So if you were going up and down this road here --
22 this is Powder Plant. I'm just -- on that -- on the side of
23 the road there, there was signs at different times, yeah.

24 Q Okay. So basically, on Powder Plant Road, you had signs
25 on the road at all times during the campaign; am I correct?

1 A No. So there was -- there was times where we actually
2 would take down signage in order to refresh it. So people --
3 if they see the same sign too much, you know, it would actually
4 just kind of become part of the background. So we actually --
5 there was -- about a week there we had no signs. But yeah, I
6 mean, for the most part, we had signage around the -- that
7 road.

8 Q Okay. So other -- right. So just so I understand, so
9 other than that one week from the period of October 20 to March
10 29, you had signs up and down Powder Plant Road promoting the
11 Union?

12 A Yes.

13 Q All right. Can -- and -- and -- and when your organizers
14 were at the concrete island, you know, no one from Amazon
15 approached them and tried to stop them from doing what they
16 were doing, right?

17 A No.

18 Q And no police ever cleared them off of the concrete
19 island, correct?

20 A Correct.

21 Q And no police ever cleared them off of the -- next to the
22 yield lane, correct?

23 A Correct.

24 MR. JOHNSON: Okay. Can you pull up Exhibit 14?

25 HEARING OFFICER MEYERS: Mr. Bailiff, could you pull up 14

1 please?

2 Q BY MR. JOHNSON: Okay. So at -- now, I'm going to ask you
3 about the text on this exhibit. Now, you've testified that you
4 realized there were multiple entrances and exits at BHM1. I --
5 I -- let me ask you about some of the representations on this
6 document. Did you understand that there were gates at
7 entrances?

8 A I'm not sure I understand -- gates?

9 Q Sure. If you read here, it says, "The site will be
10 installing gates at all entrances". Did you understand that
11 there were gates at entrances?

12 A I -- I was aware of the gate at the roundabout down at the
13 bottom of the screen here. So -- but I was not aware of all
14 gates. Maybe some of them were up on the property more.

15 Q Right. So do -- you were aware of the one on the -- on
16 the roundabout, the red starred gate, right?

17 A That's correct.

18 Q And not the others?

19 A Correct.

20 Q Okay. Were you aware that employees were directed to use
21 different gates to leave?

22 A Yes. There was times where they weren't allowed to use
23 the gate, the red star, so that -- I mean, there was some, you
24 know, moving of traffic.

25 Q Right. And so employees would pop up at different

1 entrances and exits at different times during the campaign,
2 right?

3 A Yes.

4 Q Okay. Now, so let me ask you: Did you ever have at any
5 point in time from October 20, 2020 to March 29, 2021 anyone at
6 the orange star entrance and exit point?

7 A No, that was a truck driver entrance.

8 Q Okay. But there were employees who could use that
9 entrance too with their cars, correct?

10 A I'm not aware. I don't know. I didn't see it. So --

11 Q You didn't see it, so anything -- so the best answer is:
12 You don't know?

13 A Correct.

14 Q Okay. Then, on the blue star, which is also another
15 traffic light intersection, did you have any , per se,
16 personnel there, organizers there at any point in time from
17 October 2020 to March 29, 2021?

18 A Yes.

19 Q Okay. And they were able to contact drivers coming in and
20 out of that intersection, right?

21 A Leaving, yes.

22 Q Okay. And then, on the -- the pinkish-purplish star,
23 which is that exit area that we looked at before, at any point
24 in time from October 20, 2020 to March 29, 2021 did you have
25 anyone, any organizer out there to communicate with drivers?

- 1 A Yes.
- 2 Q Okay. And how many people was that?
- 3 A One or two.
- 4 Q Okay, one or two there. And at the blue -- at the blue
- 5 star gate, was it also one or two?
- 6 A That's correct.
- 7 Q And was that during the entire time period, December 2020
- 8 to March 29, 2021?
- 9 A No, no.
- 10 Q Okay. When was it -- the blue star gate?
- 11 A I'm not sure of the exact dates. It just wasn't as
- 12 active -- anywhere near it. In fact, it was very slow, so it
- 13 was the last staff gate.
- 14 Q Okay. That was the last one on your rotation?
- 15 A Essentially.
- 16 Q Okay.
- 17 A Yes.
- 18 Q So if -- can you just -- the -- I'm sorry. I didn't mean
- 19 to interrupt.
- 20 A Yeah. I think that that lot was not, like, an employee
- 21 lot or something if I'm mis -- not mistaken or -- or like,
- 22 employees didn't really use it.
- 23 Q Okay. Well, let -- let me ask you: Did you have people
- 24 at the red gate, the red star gate?
- 25 A We did not.

1 Q Okay. So in -- in terms of staffing, if I understand your
2 testimony correctly, the yellow star would have been the
3 highest priority; the pink star would have been second; and the
4 blue star would have been third?

5 A That's incorrect, no. So there wasn't --

6 Q Okay.

7 A -- there wasn't necessarily a priority so I -- I couldn't
8 really give you that, but there was also -- we -- we also would
9 have organizers -- yeah. I mean, so yeah. I -- I don't know
10 the priorities there, but it's just that -- that blue one was
11 not very busy.

12 Q Okay. Well, let me just ask it to you this way: The --
13 you know, the -- the campaign lasted for -- for many months. I
14 mean, how many weeks total did you have somebody assigned to
15 that blue gate?

16 A A few. You know, I -- I -- I -- maybe a month in total.
17 It's hard to really say. It's a very -- it -- it -- it was
18 more about the length in time -- a shift change or not, but
19 maybe a month.

20 Q Okay. It -- your best estimate as you sit here today --
21 it's about a month?

22 A Yes.

23 Q Okay. And how about the pink starred gate?

24 A I -- about the same. I mean, I -- to be fair, you're
25 ask -- it -- it's not a -- I don't know. It's actually -- but

1 I don't know the -- the total amount of time in relation to the
2 main gate of staffing. I -- I don't know. It was -- it was
3 staffed less because it was a less busy, you know, gate.
4 That's -- that's my answer.

5 Q Okay. I understand. I'm just trying to get your best
6 estimate based on --

7 A Yeah, I -- sorry. I didn't mean to cut you off either,
8 but yeah. I just don't -- you know, I don't know.

9 Q Okay. Well, is it fair to say that you do have an
10 estimate that you had people there for at least a month during
11 the campaign? Is that correct?

12 A Yeah. I would -- it -- because that's not really a --
13 that doesn't make sense. So I didn't have them there for a
14 month straight. It was, like, a few hours at a time on
15 different days. And so to, you know, total those hours up and
16 make a total time frame out of them I think seems silly. I
17 would just say that, you know, they were there some and that
18 was less than the main gate. I'm not sure of the exact amount
19 of time.

20 Q Okay. So will it be fair to say that they were assigned
21 there on certain days on occasion?

22 A They were just assigned there less than the main gate --

23 Q Okay.

24 A -- for various reasons.

25 Q Well, if you had to total up the amount of days, whether

1 they're --

2 A I'm not sure. I'm not sure. I don't -- I apologize. I'm
3 not going to total up something that's not real. And so they
4 were there for, like, a couple hours at a time. And you're
5 asking me to make that into some sort of a day time frame
6 and -- and total the hours to people -- 24 -- and then,
7 multiply by seven to give you an estimate. And I can't do
8 that. The -- they were there less than the main gate. They
9 were just staffed there a little less.

10 Q Okay. Well, let me just ask it to you this way: Were
11 they --

12 MR. DAVIES: It's asked and -- this -- asked and answered.
13 How -- we're re-plowing this.

14 MR. JOHNSON: We're actually not because the witness
15 hasn't given me an answer yet for it.

16 HEARING OFFICER MEYERS: He -- he did give you an answer.
17 He told you he can't give you an answer in the way that you are
18 asking it. But you were interrupted before you finished the
19 question, so I'm not certain whether it's been asked and
20 answered. So why don't you ask the question and we'll see if
21 there's an objection to it?

22 MR. JOHNSON: Sure.

23 Q BY MR. JOHNSON: Well, let's talk about the pink starred
24 gate. Okay? Did you assign people to that gate in October
25 2020?

- 1 A Yes.
- 2 Q How about November 2020?
- 3 A Throughout the month, at times, yes.
- 4 Q How about December 2020?
- 5 A Yes.
- 6 Q How about January 2021?
- 7 A Yes.
- 8 Q How about February 2021?
- 9 A Yes.
- 10 Q How about March 2021?
- 11 A Yes.
- 12 Q Okay. Let's talk about the blue starred gate. Did you
- 13 assign anybody to that gate in October of 2020?
- 14 A I don't know. It was very -- it was not very -- well, it
- 15 was not very used -- is my answer. So that was a very seldom-
- 16 used gate.
- 17 Q Okay. How about November of 2020? At any time did you
- 18 assign anyone to cover that gate?
- 19 A At -- I may have. That's the best answer I can give you.
- 20 I may have.
- 21 Q So you haven't --
- 22 A It wasn't -- it wasn't -- there wasn't -- there weren't
- 23 staff there often, but they may have been there, you know,
- 24 throughout those months at times.
- 25 Q Okay. Well -- okay. How about -- let me just ask you

1 specifically December 2020.

2 A I'm not aware for sure.

3 Q Okay. January of 2021?

4 A I can't say for sure.

5 Q February of 2021?

6 A I can't say for sure.

7 Q And March 2021?

8 A I can't say for sure.

9 Q Okay. But you did have some people that were assigned to
10 the blue starred gate at some point during the campaign. Can
11 you say that?

12 A Yes, yes.

13 Q Okay. And it was your decision where to move folks around
14 between a yellow star, a pink star, and a blue star assignment,
15 right?

16 A Yes. Well, me and -- and a variety of other people, but
17 whoever was on the ground at the time.

18 Q Right. It was -- the -- the -- you know, the Union
19 officials and workers who made those decisions -- that was
20 their decision, right?

21 A Right. Mostly, yeah. Committee folks would tell us when
22 the -- the traffic's slow.

23 Q Okay. All right. So besides the yellow star intersection
24 of the crossroads of Premiere and Powder Plant, you used other
25 methods to communicate with employees at BHM1, right?

1 A That's correct.

2 Q Okay. And as lead organizer, did you ever see the -- the
3 budget for this campaign?

4 A No.

5 Q Okay, okay. Do you have any knowledge about, you know,
6 how much the budget was?

7 A No, no.

8 Q Okay. Would it be fair to say that the majority of your
9 expenditures were not spent on the organizers at the yellow
10 star gate?

11 A No, that would not be fair to say. No. That was --

12 Q Okay.

13 A -- quite an expense.

14 Q You think the majority of the budget to the extent you
15 know about it was actually spent on that -- on that --

16 A Again, I have no intimate knowledge of the budgeting for
17 this campaign.

18 Q So your -- your answer is: I don't know?

19 A I -- yeah, I -- I wouldn't know, because I don't know.

20 But I would say -- I mean, you asked me a question: Did the
21 organizers -- were they the least expense on the campaign? And
22 I can answer that and say that, you know, there was other
23 expenses that were less than organizers' salaries. And so no,
24 they -- you know, they were not the least expense.

25 Q Okay. But were there expenses that were more than the

1 organizers that were assigned to this intersection at the
2 yellow starred gate?

3 A I don't know that.

4 Q Okay. You don't know one way or another; is that correct?

5 A That's correct.

6 Q Okay. So you were doing a lot of that. The Union was
7 doing a lot of communication activities besides the crossroads
8 at Powder Plant Road and Premiere at the yellow starred gate,
9 right?

10 A It depends on the time frame.

11 Q Okay. Well, let -- let me just ask you about that. I
12 mean, you got the voter list from the Employer on or about
13 January 20, correct -- correct, 2021?

14 A That's correct.

15 Q Okay. And so once you had that list, you had the name of
16 all the different potential voters in the unit, right?

17 A That's correct.

18 Q And you had their cell phone numbers, right?

19 A That's correct.

20 Q And you didn't file any objection to this case saying that
21 the list was inaccurate or incomplete, correct?

22 A That's correct.

23 Q And once you had the personal cell phone numbers of the
24 voters, you could text them, right?

25 A Correct. Could you state that date again? It was in

1 January, right? January 20 --

2 Q Yeah, on or about January 20, 2021.

3 A Or after December 15th, that's correct, yes.

4 Q Right, right. That's what I'm asking about, sir.

5 A Yeah.

6 Q And so did the Union end up using those numbers to text
7 employees?

8 A Yes, they did.

9 Q And that's more convenient, texting them, than approaching
10 them one-by-one in automobiles, right?

11 A I -- I wouldn't be able to answer that. It's pretty
12 convenient to just talk to people.

13 Q Okay. So during a 60-second red light, your testimony is
14 that that is more -- one-on-one conversation is more convenient
15 than texting 100 people?

16 A I -- I think more convenient for what we're looking to do,
17 which is communicate good information to combat bad
18 information. Yes. Because in effect --

19 Q Okay.

20 A -- it's just -- it's just a different form, but
21 convenience is -- is a relative question. I would just say
22 it's easier to talk to someone than to text them. And
23 (indiscernible, simultaneous speech) too.

24 Q Okay, right. You could text them a lot more information
25 in a shorter amount of time than in having a one-on-one

1 conversation at a traffic light, right?

2 A You could reach more people at once, but the effectiveness
3 would be the concern. But yes.

4 Q Okay. Well, do you think your texts were ineffective?

5 A No, I'm not saying that. You asked -- I -- I said I
6 couldn't which was more effective or less effective. I -- I'm
7 just -- just stating that it -- you know, you're asking me: Is
8 it less effective or less efficient to talk or text? And I
9 would just say: In our world, we would prefer to talk.

10 Q Okay. I understand you would prefer to talk, but would --
11 was your -- your texting was effective from your point of view,
12 right?

13 A I -- you know, that's a relative term. I'm not sure
14 how --

15 Q Was it --

16 A -- effective it was.

17 Q -- did you keep texting throughout the campaign?

18 A Of course.

19 Q Okay. And that's because you thought it was effective,
20 right?

21 A We used all avenues to communicate that we could, yes,
22 safely.

23 Q Right. But my question was: You kept texting throughout
24 the campaign because you thought it was effective, right?

25 A Effective is -- you know, again, I -- effective compared

1 to what? There's -- you know, a lot of things that are
2 effective. Was it more or less effective? I can't answer
3 that. You know, it -- was it effective to text workers, that
4 they saw the messaging? Yeah, that was effective --

5 Q Okay.

6 A -- because they can see it.

7 Q And they -- you never stopped texting them, right, until
8 March 29?

9 A No.

10 Q Or did you stop texting them before March 29?

11 A No, we did not stop. No.

12 Q Okay. And you had the personal email addresses of the
13 voters too after January 20, 2020, correct -- 2021? Sorry.

14 A Yes.

15 Q Okay. And so the Union could email them, right?

16 A Yes.

17 Q Did the Union email them?

18 A Yes.

19 Q Did the Union email them from January 20 on through March
20 29, 2021?

21 A Yes.

22 Q And just like texting, can't you send a lot of information
23 by email to a voter?

24 A In an impersonal way, yes, you can.

25 Q Right. And you can actually send more information than

1 you can convey to them in a one-on-one conversation at a
2 60-second red light, right?

3 MR. DAVIES: Objection, argumentative.

4 THE WITNESS: Yeah, I mean, I don't know. I think --

5 MR. DAVIES: Josh, wait. Wait.

6 HEARING OFFICER MEYERS: Hold on just -- Mr. Brewer.

7 MR. DAVIES: Wait, there's an objection.

8 HEARING OFFICER MEYERS: Mr. Brewer, you've got to let
9 me -- you've got to let me rule if there's an objection.

10 I'm going to sustain that. Can we move on?

11 MR. JOHNSON: Okay.

12 Q BY MR. JOHNSON: You had the home addresses of every voter
13 after January 20, 2020, too, correct?

14 A That's correct.

15 Q Okay. And you could send materials to those addresses
16 via, for example, the mail, right?

17 A Yes.

18 Q Okay. And in fact, you sent an Amazon newspaper to voters
19 at that address, the Amazon Union newspaper?

20 A Yes.

21 Q Okay.

22 MR. JOHNSON: And can you pull up Exhibit 7, Employer
23 Exhibit 7?

24 HEARING OFFICER MEYERS: It -- it's not in that combined
25 pile. Mr. Bailiff, can you pull it up from the --

1 MR. JOHNSON: All right.

2 HEARING OFFICER MEYERS: -- other combined file?

3 MR. JOHNSON: Okay. That -- that was page --

4 HEARING OFFICER MEYERS: You -- you can go to the
5 bookmarks and --

6 MR. JOHNSON: Okay. And let -- let Mr. Brewer have a
7 chance to review it. So you can just sort of slowly scroll
8 down from there for the next four pages.

9 Q BY MR. JOHNSON: Tell me when you're ready to talk about
10 that, Mr. Brewer.

11 A I'm aware of the newsletter. That looks correct, I mean,
12 at least on this page.

13 Q Okay. Well, I just want to make sure you get to see all
14 the different pages.

15 A Looks correct -- correct -- it's correct.

16 Q Okay.

17 MR. JOHNSON: The last page -- just scroll down the bottom
18 so you can see it -- okay. Great. Now, can you just scroll
19 back up to page 1?

20 Q BY MR. JOHNSON: So this is that newsletter that went out
21 in February, correct?

22 A That's correct.

23 Q And you sent it to voters' home addresses, correct?

24 A Yes.

25 Q And that was by mail, correct?

- 1 A Yes.
- 2 Q And that was in early February 2021, right?
- 3 A That's correct.
- 4 Q And you also used mail to send postcards to voters, right?
- 5 A We didn't send it. I mean, I'm not -- I think maybe there
- 6 was some postcards sent. I'm not sure of that. I wasn't
- 7 directly involved.
- 8 Q Okay. That -- the -- you -- so you -- would you be able
- 9 to identify the postcards if you saw them?
- 10 A I would not.
- 11 Q Okay. And were you able to use those home addresses to do
- 12 home visits?
- 13 A We did not, no.
- 14 Q So you did not do any home visits during this campaign?
- 15 A No, we did not.
- 16 Q Okay. Did you have any bill -- other than the signage
- 17 you've described, did you put up any other billboards or signs
- 18 in the Birmingham area?
- 19 A We did not, no.
- 20 Q Okay. You had the ability to have rallies at all times
- 21 during the campaign, right?
- 22 A That's correct.
- 23 Q And you had rallies during the campaign, correct?
- 24 A Yes, we were outdoor.
- 25 Q And you had a big February 6th rally, correct?

- 1 A Correct.
- 2 Q And over 1,000 people came, right?
- 3 A No.
- 4 Q No?
- 5 A That's incorrect.
- 6 Q I'm -- I'm sorry, then. Okay. So how many people came to
- 7 that rally on February 6th?
- 8 A I'm not sure, but it was not 1,000.
- 9 Q Okay. Was it hundreds?
- 10 A In there -- lower hundreds I guess. I'm probably
- 11 guessing.
- 12 Q Okay. Well, how about the March -- there was a March
- 13 26th, rally, correct, right before the rally took place?
- 14 A Um-hum. That's correct.
- 15 Q And that was your big rally, right?
- 16 A So they -- you know, there's -- they were both conducted
- 17 during working hours. And so they weren't -- you know, they
- 18 weren't huge rallies in the number of people. There was about
- 19 100.
- 20 Q So on the March 26th rally, your testimony is only 100
- 21 people came?
- 22 A Or so, yeah. I -- I don't know the exact number but it
- 23 was not 1,000.
- 24 Q Okay. But it was -- it was no more than 200; is that your
- 25 testimony?

1 A That's about right.

2 Q Okay. I -- and let me just go back to the home visits.

3 Now, that -- you -- you chose not to do home visits because of
4 COVID, right?

5 A Yes.

6 Q Okay. And you had small group meetings with employees
7 even before October 20, right?

8 A Correct.

9 Q Okay. And those never went away. You had those during
10 the entire campaign, correct?

11 A Correct.

12 Q And you had Zoom and other formats of video meetings with
13 employees during the entire campaign, right?

14 A That's correct.

15 Q And you gave interviews concerning the campaign, right, to
16 get your message out?

17 A Correct.

18 Q And for example, there is a March 25 interview that you
19 gave to the web news site More Perfect Unions, right?

20 A Correct.

21 Q And that Josh Brewer that appears in that video is you,
22 right?

23 A That's correct.

24 Q And you knew that was going to be in -- that interview or
25 piece was going to get published to everybody on the internet

1 including voters, right?

2 A I was assuming so, yeah. I mean, I -- I knew it would be
3 public.

4 Q Right. And you -- and you knew that there would be some
5 voters who would see it, right?

6 A I -- again, I'm not -- I'm not even sure of the video
7 you're referring to. You -- you gave a date, but you said it
8 was what date, March --

9 Q I believe it was published on March 25, 2021.

10 A Okay.

11 Q It's a -- you gave it -- let me just deal -- we'll put in
12 the -- in the -- to identify it, it's the one about the mailbox
13 unit appearing in Amazon. Do you recall that interview?

14 A I do.

15 Q Okay. And that was you, right?

16 A That was me, yes.

17 Q Okay. And this -- you know that that got pushed out on
18 Twitter to thousands of people, right?

19 A Sure, yes.

20 Q And you had -- I -- you know, you had a Twitter feed
21 yourself, right?

22 A Yes.

23 Q And you had a website for the Union, right?

24 A That's correct. The Union had a -- yes, there was a
25 website.

1 Q And you had an Instagram account, right?

2 A Yes.

3 Q And you had Facebook, right?

4 A Yes.

5 Q All right. I'm almost -- almost done. So as lead
6 organizer, did you review the objections that were filed as
7 part of this case?

8 A I did.

9 Q Okay.

10 MR. JOHNSON: So can we bring up Board Exhibit 1(b), Madam
11 Hearing Officer? It's, like, I believe all the objections.

12 HEARING OFFICER MEYERS: 1(a)? No, it's --

13 MR. WEBB: I want to say 1(b).

14 HEARING OFFICER MEYERS: 1(b).

15 MR. JOHNSON: Sorry. I'm moving around on everybody's
16 screen.

17 HEARING OFFICER MEYERS: Mr. Bailiff, can you bring up
18 1(b) please?

19 MR. WEBB: Yes, just one second.

20 MR. JOHNSON: And -- and I'm specifically referring to
21 page 4.

22 Q BY MR. JOHNSON: All right. Just tell me when you've had
23 a chance to review paragraph 17 there.

24 A I've read it.

25 Q Okay. So the second sentence reads, "The Union informed

1 employees that the Decision and Direction of Election did not
2 authorize a collection box at the facility even though the
3 Employer had requested one". So were you involved in the Union
4 informing employees of this information?

5 A Yes. I mean, I -- I don't know that directly I did
6 myself, but yes. I was involved.

7 Q Okay. Well, how did the Union inform employees of this
8 information?

9 A So a lot of employees would call -- during the phone
10 conversations we would have with them. And they would say
11 that, you know, Amazon said they're going to put a -- a polling
12 place up here in our -- you know, in our parking lot, right
13 here by the front door under the cameras. Can they do that?
14 And -- and we said, no. It -- you know, they kind of requested
15 a drop box to be installed. And that wasn't approved and said
16 no, they -- they won't be doing that.

17 Q Okay. And that is the information that you conveyed to
18 employees about that, correct?

19 A We -- we would -- we would not expect -- you know, again,
20 it -- I don't know that -- that -- but essentially it was --
21 you know, no, we -- we don't expect that to be -- to be the
22 case.

23 Q Okay. I just want to find out what you said to employees.
24 And you had, you know, phone conversations, right?

25 A Yeah. I mean, there was a lot of different interactions.

1 And so I mean, it wasn't just limited to phone conversations.
2 There was probably in-person meetings and different things like
3 that.

4 Q Okay. So phone conversations and in-person meetings,
5 right?

6 A Yes.

7 Q And did you say -- did you ever say anything in writing to
8 employees about that?

9 A I'm not sure.

10 Q Okay. So you don't know as you sit here today, right?

11 A Yep, I'm not sure. No.

12 Q Okay. And those were statements by the Union, not the
13 Employer, correct, because you were making them?

14 A I -- I'm -- it's -- if the worker called us and was
15 talking to us -- yeah, those are our statements.

16 Q Right. You didn't say, oh. I'm from Amazon and I'm
17 authorized to say this here. You said, no. I'm the lead
18 organizer with the Amazon Union, right?

19 A Right. I didn't have those conversations, but whoever the
20 organizer would have been, would have been having those
21 conversations. Yes.

22 Q Right. They would have identified themselves as a Union
23 representative, correct?

24 A Yes, they were -- they were reached -- they were calling
25 the Union. Yeah, they -- yes.

1 Q Okay. All right. And then, just a little bit more on
2 objection 17. You're familiar with the Union's position on a
3 manual versus mail-ballot election in this case, right?

4 A Yes.

5 Q And the Union wanted to have a mail ballot using
6 mailboxes, correct?

7 A Yes. Well, yes.

8 Q Okay. And the use of the BHM1's mailbox -- I don't know.
9 Do you know any facts about any rules or lack of rules about
10 employees being able to use that box?

11 A I don't understand the question.

12 Q Okay. Let me ask it to you this way: As far as you know,
13 employees who wanted to vote for your Union could use that
14 mailbox, right?

15 A I -- I guess, yeah.

16 Q Okay. Did the Union ever give employees, voters, any
17 advice or recommendations on what mailing locations to use?

18 A So you know, I think we -- we may have said -- you know,
19 you -- like anything, when you receive your mail -- your
20 ballot, put it back in your mailbox. I mean, I -- but I think
21 outside of, you know, not saying more specific, or you know --
22 so --

23 Q Well, you didn't trust the BHM1 parking lot mailbox; do I
24 have that right?

25 A I think that's -- I -- you know, me personally, no. I

1 definitely did not trust it.

2 Q Okay. Well, I'm just talking the -- the Union's view --
3 they didn't think that mailbox was a good thing. Do I have
4 that correct?

5 A I didn't -- I -- I think -- you know, our committee people
6 if -- you know, the Union would be the workers in Amazon. And
7 so you know, it seems like they didn't -- they -- they
8 weren't -- they were not very comfortable with the box --

9 Q Okay.

10 A -- at that time, I'm saying.

11 Q Well, did the Union ever advise employees: Don't use the
12 BHM1 parking lot mailbox. Mail it from your house?

13 A I wouldn't -- yeah. I wouldn't know.

14 Q You wouldn't know what the Union advised people to do one
15 way or another?

16 A On the individual conversations like that, no. I wouldn't
17 know what was --

18 Q Okay.

19 A -- the (audio interference).

20 Q Okay. Well, were you ever involved in, you know,
21 instructing what the -- a -- Union organizers or Union
22 representatives should say to employees about whether to use
23 that box or not? Were you involved in any of those
24 conversations?

25 A In -- in kind of just general planning conversations, yes.

1 Yeah.

2 Q Okay. So did -- was your official position to tell
3 employees: Use the BHM1 mailbox?

4 A No, we weren't -- we weren't directing people to actively
5 use your mailbox.

6 Q Okay. And so were you -- was it an Amazon BHM1 mailbox?
7 Correct?

8 A Apologies. Yes, Amazon's mailbox.

9 Q And so did you direct people: Don't use that mailbox if
10 you have another choice?

11 A I think we likely just told people to mail it back in the
12 format that it came like everyone else in the -- in the mail.
13 So like, you know, our directions throughout the campaign was:
14 You receive your -- your ballot in your mailbox, and then, you
15 know, you put it back in your own mailbox and you mail it back.
16 That -- that tends to be the way these things operate.

17 Q Okay. So as far as you know, that was the Union's general
18 position to employees on what mailbox to use?

19 A Yeah, their own. Yeah.

20 Q Okay. And do you know how many Postal Service owned
21 mailboxes there are within a 20-mile radius of BHM1?

22 A I do not.

23 Q Okay. Did you ever tell employees you could use -- they
24 could use the mailbox at the Amazon Union headquarters, which I
25 believe is at 1901 10th Avenue South in Birmingham?

1 A No, we knew that to be illegal.

2 Q Okay. So your position was: Don't -- don't use our
3 mailbox?

4 A No, our position was mail back your -- your ballot in your
5 mailbox.

6 Q Okay.

7 A When you receive -- when you receive your ballot, you mail
8 it back. That's, you know, pretty straightforward. We didn't
9 spend a lot of time on -- on, you know, how to use the mail.
10 It -- it's generally known, you know, that people -- the
11 workers received these ballots somehow. And that was through a
12 mailbox. So we knew that much. And so we would just tell
13 workers, when you received your ballot in your mailbox, put it
14 back in the mailbox after you vote.

15 Q I -- yes, sir. I understand. Okay. So did -- but aside
16 potential mailing locations from where to mail their ballots,
17 did you give employees any advice or tips about mailing their
18 ballot in?

19 A No, I mean, again, back to putting it back in their
20 mailbox. Filling it out, mailing it back -- that would have
21 been our tip.

22 Q Okay, filling it out and mailing it back. Did you say,
23 but of course, as soon as you can?

24 A I mean, I -- you know, I think it was just vote. I mean,
25 it -- it wasn't necessarily a part of our campaign thing -- was

1 early vote. That seemed to be Amazon's. So no. I mean, it
2 was just: get the ballot, fill out the ballot, put it back in
3 your mailbox.

4 Q Okay. Were you against early voting?

5 A No.

6 Q Okay. Last, you were familiar with the Postal Service,
7 right?

8 A I am. I mean, as much as I can be.

9 Q Sure. But I mean, you'd agree with me that the United
10 States Postal Service is an agency of the Federal Government,
11 right?

12 A Yes.

13 Q Just like the National Labor Relations Board, right?

14 A Yes.

15 MR. JOHNSON: Okay. One second, if I can confer.

16 HEARING OFFICER MEYERS: You may confer.

17 (Counsel confer)

18 MR. JOHNSON: Okay. I'm going to turn it over to Mr.
19 Broderdorf. I don't know if Mr. Brewer needs to take another
20 break or -- or what, but I am done on cross for now.

21 HEARING OFFICER MEYERS: Thank you, Mr. Johnson. Let's
22 take another five-minute break, and then, reconvene at -- only
23 six minutes. So let's reconvene at 12 -- well, now, it's
24 12:05, 11:05 Central Time. So we'll be back.

25 MR. WEBB: Madam Hearing Officer?

1 HEARING OFFICER MEYERS: Yes?

2 MR. WEBB: Can I take the exhibit down off the screen?

3 HEARING OFFICER MEYERS: Yeah, I'm sorry. Yes, you can
4 take the exhibit down off the screen. Thank you, Mr. Bailiff.

5 And so we will recess until 12:05 or 11:05 Central.

6 (Off the record at 12:00 p.m.)

7 THE COURT REPORTER: On the record.

8 HEARING OFFICER MEYERS: Mr. Broderdorf, your witness.

9 MR. BRODERDORF: Thank you, Madam Hearing Officer.

10 **CROSS-EXAMINATION**

11 Q BY MR. BRODERDORF: Mr. Brewer, my name is David
12 Broderdorf and I have some additional questions for you
13 regarding your -- your testimony and information relevant to
14 the case.

15 A Okay.

16 MR. BRODERDORF: If we could pull up what's been marked as
17 Employer Exhibit 24, Madam Hearing Officer. I believe it's
18 part of a packet now --

19 HEARING OFFICER MEYERS: Employer's --

20 MR. BRODERDORF: -- of Employer's exhibits.

21 HEARING OFFICER MEYERS: Mr. Bailiff, could you please
22 pull up Employer's 24? Is that big enough for you to read, Mr.
23 Brewer?

24 THE WITNESS: No, to be honest. Let -- I can zoom in.
25 Yeah, I might be able to zoom on my computer.

1 HEARING OFFICER MEYERS: No, you can't. You can't,
2 because he's got control. So we'll have him blow it up. Let
3 us know when it's big enough.

4 THE WITNESS: I can read it now. Sorry to interrupt.

5 HEARING OFFICER MEYERS: Okay.

6 THE WITNESS: I can read it. Yep.

7 MR. BRODERDORF: Thank you.

8 HEARING OFFICER MEYERS: That's good.

9 Q BY MR. BRODERDORF: So Mr. Brewer, I believe organizer
10 for -- for the campaign -- you were -- you had an active role
11 in drafting and reviewing communications issued by the Union,
12 correct?

13 A That's correct.

14 Q And what's been marked as Employer Exhibit 24 -- this is a
15 flyer that the Union prepared and issued during the campaign,
16 correct?

17 MR. DAVIES: Can -- can the witness please have a chance
18 to look at it and review it?

19 MR. BRODERDORF: Sure. Yeah, Mr. Brewer, take the time
20 you need to review the document.

21 THE WITNESS: Thank you.

22 MR. WEBB: Let me know when you would like me to scroll
23 down.

24 THE WITNESS: Sure. If you could scroll down please,
25 okay. Okay, you can scroll down to the bottom. Or is there

1 more? Okay.

2 Q BY MR. BRODERDORF: Well, I'll -- I'll represent that
3 em -- Employer Exhibit 25 -- it appears to be the backside of
4 this same document, but I was going to ask you to review and
5 confirm that for us.

6 A I believe so. I -- that's what I was looking for. I
7 thought there was more to it. It says there was a -- a wage
8 chart or something.

9 Q This is Employer's Exhibit 25.

10 A Okay.

11 Q All right.

12 MR. BRODERDORF: So we can scroll back up please to
13 Employer Exhibit 24.

14 Q BY MR. BRODERDORF: Are -- are you familiar with this
15 flyer?

16 A Yes. I mean, I've seen it.

17 Q And this was issued by the Union during the campaign?

18 A Yes.

19 MR. BRODERDORF: I move for the admission of Employer
20 Exhibit 24 and 25.

21 HEARING OFFICER MEYERS: Any objection to 24 and 25 from
22 the Union?

23 MR. DAVIES: No objection.

24 MR. BRODERDORF: Mr. Brewer, when was this --

25 HEARING OFFICER MEYERS: Exhibits 24 and 25 are admitted

1 into evidence. Thank you.

2 **(Employer Exhibit Numbers 24 and 25 Received into Evidence)**

3 Q BY MR. BRODERDORF: Mr. Brewer, when did -- when did the
4 Union issue this communication?

5 A I'm not sure.

6 Q Do you recall the --

7 A (Indiscernible, simultaneous speech).

8 Q -- do you recall the month?

9 A No. I mean, I -- I would say, we -- we did a -- we did a
10 lot of these. I -- I would say somewhere between November and
11 January.

12 Q And what methods were used to distribute this -- this
13 flyer?

14 A I believe this one was given out -- it was definitely
15 given out at the gate, yeah.

16 Q So there was in-person distribution?

17 A There was.

18 Q Was there electronic distribution?

19 A I -- I -- maybe. I'm -- we -- we -- so the reason we --
20 we -- we sent some emailed and some we didn't. There was a lot
21 of moving parts to this campaign. There was a lot of
22 departments. And so I -- I do know that it was handed out.
23 I -- I couldn't say for sure if it was emailed or texted
24 offhand.

25 Q Is it fair to say that this -- that this communication

1 reached a lot of employees?

2 A I mean, that was our goal and with any communication
3 we're -- I don't know. On -- to -- to hand them out to as many
4 as possible.

5 Q And this communication in part is a response to
6 communications that Amazon issued, correct?

7 A Looks like it. Looks like our response to a lot of text
8 messages that Amazon sent, potentially.

9 Q And -- and specifically, there's references to collective
10 bargaining?

11 A Yes. If -- if -- I don't see the word "collective
12 bargaining" at the moment, but I mean, I would assume --

13 Q Okay. There was --

14 A -- yeah.

15 Q -- references to other contracts that the Union's
16 negotiated for poultry workers?

17 A Yeah. I would just say that's benefits for Union
18 membership.

19 Q And then, specifically, the flyer says -- this is fact
20 number 4: "I will guarantee I will never recommend wage or
21 benefit concessions." Was that a guarantee the Union issued
22 during the campaign?

23 A No. So what that is -- is -- really, this is just a
24 restatement of -- of basically labor law. Right? And so what
25 we were doing is -- is just putting out there what the law

1 states, you know, as it -- as it goes within our own kind of
2 constitutions.

3 Q Oh, so your -- your understanding is that under the labor
4 law, a union cannot recommend a wage or benefit concession?

5 A No. My understanding -- so during negotiations -- right?
6 You have a status quo. And then, you bargain from there. And
7 so any -- any negotiation I've ever been a part of would the
8 Union recommend coming to the table and losing your benefits
9 and wages. And that would also be illegal. For the company,
10 it would be bad faith bargaining. And so I think that's what
11 he was referring to there.

12 Q And this flyer also addresses the issue of strikes,
13 correct?

14 A It does.

15 MR. BRODERDORF: If we could turn to Employer Exhibit 26,
16 please.

17 HEARING OFFICER MEYERS: Exhibit 26 is -- is up.

18 MR. BRODERDORF: Yes.

19 Q BY MR. BRODERDORF: So please, Mr. Brewer, let us know
20 when you can scroll down and --

21 A Yeah, I can --

22 Q -- (indiscernible, simultaneous speech) the document.

23 A Yeah, you can scroll down. Yep, I see it.

24 Q Are you familiar with this communication?

25 A Yes.

1 Q Was it issued by the Union during the campaign?

2 A I believe so. And the reason I say that is very -- very
3 limited, but it was, yeah. There was a print run made.

4 MR. BRODERDORF: I move for the admission of Employer
5 Exhibit 26.

6 HEARING OFFICER MEYERS: Any objections to Employer's
7 Exhibit 26?

8 MR. DAVIES: No objection.

9 HEARING OFFICER MEYERS: 26 is admitted.

10 **(Employer Exhibit Number 26 Received into Evidence)**

11 Q BY MR. BRODERDORF: And Mr. -- Mr. Brewer, when was this
12 communication issued?

13 A Very early in the campaign. I'm not sure --

14 Q So --

15 A -- of the timing -- of the direct timing.

16 Q -- so would it have been November, December?

17 A I -- the -- it's spec -- I mean, I'm guessing, but yeah,
18 sometime in that time frame.

19 Q Do you know how it was distributed?

20 A I believe it was just handed out. So I was actually on a
21 COVID leave during this -- this time frame, so I wouldn't have
22 a -- a bunch of answers, to be fair. I -- I was COVID-
23 positive.

24 Q And is it fair to say that this -- that this document was
25 responding to Amazon communications?

1 A It appears that way, yeah.

2 Q Do you have any reason to think that it wasn't a response?

3 A No.

4 Q And there's -- there's characters on the table. There --
5 I see some names. Do you know who those are supposed to be?

6 A Oh, one says -- it looks like Lewis. I don't know if
7 that's Morgan, Lewis. But I'm not sure, no. Again, I -- I
8 wasn't -- I wasn't responsible for this flyer.

9 Q Okay. And apologies for your diagnosis during -- during
10 the campaign. I hope that you've recovered fully since --
11 since then. But you mentioned there was a leave period that
12 you had?

13 A Yeah. So there was a couple times throughout the campaign
14 that we would either have a runny nose, or you know, somebody
15 might have not been feeling well. And we would remove them
16 from the campaign for, you know, however many days until they
17 could get a test. And so actually, my recollection is that
18 this came out when I was on a few-day leave or just, you know,
19 away to get a test because I had been exposed during a
20 bargaining session with a lawyer. And so -- and then, later
21 on, actually, I was positive -- COVID-positive, and I missed a
22 few days then as well. But none were -- none were very long.
23 Thankfully, I -- I didn't get a very bad case of COVID. I was
24 positive, but recovered quickly.

25 Q Good, good. And you were able to stay in touch with the

1 campaign, I assume, electronically and by phone and --

2 A For the most part, except for the few days that I was
3 truly down, you know.

4 Q And this communication here -- to your knowledge, it was
5 effectively distributed by the Union?

6 A So this was early. And so I would say no. Since -- but I
7 mean, it was -- it was distributed, certainly, but
8 effectively -- I don't know how effective it was, being very
9 early and we were just handing it out. And so that -- I
10 wouldn't be able to know exactly how effective. But the
11 earlier ones were certainly less -- they had less ability to
12 reach.

13 Q And is it -- is it fair to say that you're making a
14 distinction between when the Union didn't have the voter list
15 with emails, cell phones, home addresses versus the period you
16 had it?

17 A No, there's just a lot of things that changed as the
18 campaign went on. Again, this was very, very early. And so we
19 were just getting started. So little X -- you know.

20 Q And as the campaign continued, you had more and more
21 access to employees, including through the voter list, right?

22 A Yes. Yeah, as the campaign -- you know, worker sign-up
23 cards -- yeah. We get more information. You -- you gather
24 more information as the campaign goes.

25 MR. BRODERDORF: And let's take a look at Employer Exhibit

1 27 please.

2 HEARING OFFICER MEYERS: Mr. Bailiff? Thank you.

3 Q BY MR. BRODERDORF: And apologies for the copying, but I
4 believe it's legible. So please take a moment to review this
5 document and let us know when you're done, Mr. Brewer.

6 A I can read that, yep. Scroll down please. Yes, I'm
7 aware.

8 Q Was this a -- a communication issued by the Union?

9 A It appears so, yes.

10 MR. BRODERDORF: I'll move for the admission of Employer
11 Exhibit 27.

12 HEARING OFFICER MEYERS: Any objection to Employer Exhibit
13 27?

14 MR. DAVIES: No. No objection.

15 **(Employer Exhibit Number 27 Received into Evidence)**

16 Q BY MR. BRODERDORF: And when was this document prepared?

17 A I think around the same time, Novem -- well, later --

18 maybe a little later than the earlier one. It's got the

19 Amazon -- I -- I would say November-ish, maybe December.

20 I'm -- I'm really guessing. There was a lot going on. But
21 yeah.

22 Q And how -- and how was this communicated?

23 A Any leaf that was handed out -- again, the question of

24 whether it was emailed or not -- I -- I wouldn't have that

25 offhand. But it was -- it looks to be a -- a flyer of some

1 sort that was handed out at the gate.

2 Q If you scroll at the bottom, there's a -- a list of
3 guarantees. These guarantees appear in this document as well
4 as the newsletter we saw in February. So do you -- do you --
5 were these guarantees communicated a lot to employees?

6 A Well, they were communicated in the area that you've
7 presented. So I know that much. You're asking me about the
8 first line conversations.

9 Q Well do you think the Union effectively communicated with
10 employees about these guarantees?

11 A That they will have a voice in their future? Yeah, I
12 don't think so. That those were just general statements and,
13 yeah, I mean, number one is Weingarten rights. You know, we
14 talked exclusively about what Weingarten rights are, and why
15 they're important. And so, you know, again, back to work, this
16 is just a re-establishment of labor law, it looks like.

17 Q And there's a guarantee there that their law says there
18 will be no loss of wages or benefits as a result of voting for
19 the Union. So that -- that's a bit of a different guarantee
20 than the earlier guarantee that we looked at, correct?

21 A I'm not sure. I mean, but is it stated differently? Is
22 that what you're asking me? I'd -- I'd have to see the other
23 one.

24 Q Yes. We can go back and look at it. Was -- if -- if --
25 if that's helpful and clears another 24. But I represent says

1 that I guarantee you that I will never recommend a wager
2 benefit concession, this one just says there will be no loss of
3 wages or benefits as a result of voting for the Union. You
4 agree that -- you agree that's a different message, correct?

5 A Not -- not really. I mean, technically, yes. You know?
6 But it's the same idea, right? So it's as a result of voting
7 for the Union. Like, you don't lose your -- your wages and
8 benefits because you voted for a union. It's just the same --
9 it's again, it's bargaining.

10 Q Right. Wages and benefits are a subject of collective
11 bargaining if the Union's voted them, right?

12 A Right. But they don't lose their benefits because they
13 voted union in. That was the statement.

14 Q Right. But there's collective bargaining following a
15 union coming -- being voted in.

16 MR. DAVIES: It's been asked and answered.

17 MR. BRODERDORF: I'll move on.

18 HEARING OFFICER MEYERS: It's sustained. But thank you.
19 Move on.

20 BY MR. BRODERDORF:

21 Q If we could look at Employer Exhibit 29, please? Oh, and
22 before we look at Employer Exhibit 29, the -- I think I skipped
23 over 28, if we can go back to 28, please. Thank you.

24 Mr. Brewer, please take a moment to look at Employer
25 Exhibit 28.

1 MR. DAVIES: I'm sorry, which exhibit number is this
2 again? I missed it.

3 MR. BRODERDORF: This is Employer Exhibit 28.

4 MR. DAVIES: Thank you.

5 THE WITNESS: Okay.

6 BY MR. BRODERDORF:

7 Q Are you done?

8 A I am.

9 Q Was this a communication issued by the Union during the
10 campaign?

11 A Yes.

12 Q I move for the admission of Employer Exhibit 28.

13 HEARING OFFICER MEYERS: Any objection to 28?

14 MR. DAVIES: No objection.

15 HEARING OFFICER MEYERS: Exhibits 27 and 28 are admitted.

16 **(Employer Exhibits Number 27 and 28 Received into Evidence)**

17 MR. BRODERDORF: Thank you.

18 BY MR. BRODERDORF:

19 Q And Mr. Brewer, when -- when was this prepared by the
20 Union?

21 A It appears during the -- the card signing period. So
22 October/November. December, maybe.

23 Q And do you know how it was communicated to employees?

24 A We hand it out to the windows through Red Light
25 (phonetic).

1 Q So we've referred to a number of documents that fliers, or
2 handouts, if you want to call them that, that were given to
3 employees. And you mentioned that at -- at the gates or at
4 the -- at the entrances, were these also passed out at the blue
5 gates or the pink gates as well?

6 A Yes. Yeah. They would be anywhere organizers were.

7 Q So organizers would be armed with these in printed form
8 and they would pass them out?

9 A They would have them in their hands, yes.

10 Q And during the campaign, were there -- we've looked at
11 some -- some of the materials. But it's fair to say that what
12 we just looked at would only be a sample, it wouldn't be
13 everything that the Union issued in a flier or printed form,
14 correct?

15 A That's correct.

16 Q We could look at Employer Exhibit 29.

17 HEARING OFFICER MEYERS: Mr. Bailiff, can you show 29
18 please?

19 BY MR. BRODERDORF:

20 Q So Mr. Brewer, we talked about the fact that there were a
21 lot of signs in the area. So you'd agree that literally all
22 around the Amazon, up and down the streets, there were banners
23 and signs that were generally positive of the Union and its
24 campaign. Would you agree?

25 MR. DAVIES: Objection. Vague.

1 HEARING OFFICER MEYERS: Sustained. What is "generally
2 positive"?

3 MR. BRODERDORF: So I'll -- I'll break it down -- down
4 here, Officer.

5 HEARING OFFICER MEYERS: Thank you.

6 BY MR. BRODERDORF:

7 Q Mr. Brewer, did -- did the Union, did the RWDSU post
8 campaign signs anywhere on Powder Plant or GMI -- (telephone
9 ringing) excuse me, sorry for the distraction. Did --
10 Mr. Brewer, did the RWDSU post any signs or banners up and down
11 Powder Plant Road --

12 HEARING OFFICER MEYERS: We've been through this --
13 Mr. Broderdorf, we can go through this again. But it's been
14 asked and answered extensively.

15 MR. BRODERDORF: Okay. I'm -- I'm -- then I'll just focus
16 on this one exhibit, and I'll move on --

17 HEARING OFFICER MEYERS: Thank you.

18 BY MR. BRODERDORF:

19 Q Mr. Brewer, are you familiar with this photo?

20 A I am.

21 Q Or this banner? Can you describe where that banner is?

22 A There was a few of those banners, so I'm not sure where
23 this particular one is.

24 Q And was that a banner that the Union posted?

25 A Yes.

1 Q And was it posted during the campaign?

2 A Yes.

3 Q Was it up -- up and around throughout the whole campaign?

4 A No.

5 Q What month was it up and posted?

6 A It was after -- after Stacey Abrams endorsed the campaign.

7 So it was prob -- I don't know. Maybe January?

8 Q So it was up -- up somewhere in January?

9 A Right.

10 Q Did it stay up in February?

11 A I believe so.

12 Q Did it stay up in March?

13 A I believe so.

14 Q And was it on Powder Plant Road?

15 A I believe there was one on Powder Plant Road, yes.

16 Q And I'd move for admission of Employer Exhibit 28. Or
17 excuse me, 29.

18 HEARING OFFICER MEYERS: Any objection to the admission of
19 29?

20 MR. DAVIES: No objection.

21 HEARING OFFICER MEYERS: 29 is admitted.

22 **(Employer Exhibit Number 29 Received into Evidence)**

23 BY MR. BRODERDORF:

24 Q Thank you. Mr. Brewer, you -- you referenced, or we
25 discussed earlier with Mr. Johnson a union newsletter that was

1 issued in February. I don't -- I don't need to pull that up
2 again unless -- unless you'd like me to. But I have a question
3 about whether that was a monthly newsletter that the Union
4 issued during the campaign or was that a one-time newsletter?

5 A It was depending on how the campaign went. It -- we -- we
6 hadn't made a decision if it would be used more than once or
7 not. But there was just one sent.

8 Q So you don't recall any other monthly newsletters?

9 A No, we did not.

10 Q We could look at Employer Exhibit 30, please.

11 HEARING OFFICER MEYERS: Could you pull up -- thank you,
12 Mr. Bailiff.

13 BY MR. BRODERDORF:

14 Q Mr. Brewer, are you familiar with Employer Exhibit 30?

15 A Yes.

16 Q Can you describe it?

17 A It's a postcard. It says to get your ballot in and vote
18 union yes. And it has our website at the bottom.

19 Q Was that issued by the Union during the campaign?

20 A Yes.

21 Q I move for the admission of Employer Exhibit 30.

22 HEARING OFFICER MEYERS: Any objection to the admission of
23 Employer's Exhibit 30?

24 MR. DAVIES: No objection.

25 **(Employer Exhibit Number 30 Received into Evidence)**

1 BY MR. BRODERDORF:

2 Q Mr. Brewer, when was this communicated?

3 A I'm not sure.

4 Q Do you know how it was issued?

5 A Handout. Pretty sure.

6 Q Only a handout?

7 A I'm not positive.

8 Q You just don't recall?

9 A I don't recall.

10 Q And if we look at Employer Exhibit 31.

11 HEARING OFFICER MEYERS: Mr. Bailiff, you have 30 -- oh,
12 there you go.

13 MR. BRODERDORF: Thank you. Mr. Brewer, let me know when
14 you're done reviewing this.

15 THE WITNESS: Yep. I've now reviewed it.

16 BY MR. BRODERDORF:

17 Q This -- this appears to be a postcard, correct?

18 A It does.

19 Q And was this issued by the Union during the campaign?

20 A I'm not sure.

21 Q So -- oh, you don't know if --

22 A I don't know. I -- I don't -- I don't know. I -- there
23 was lot of postcards and solidarity messages sent by the
24 community and in the country. They came to our hall and so I'm
25 not exactly sure the process of getting this one out. I wasn't

1 involved in this process. Or in this -- any of this
2 communication.

3 Q So it's your testimony that there were outside groups
4 supporting the Union, including groups sending out postcards?

5 A No. It's my testimony that I'm not sure where this
6 postcard would have come from. If it was from just a -- a
7 stranger that had heard about the campaign, or whether it was
8 from someone that I'm -- I'm referring -- I -- I don't know. I
9 don't know that name. And so I'm just not sure. I wouldn't
10 have been involved with it, if it had been.

11 Q So to your knowledge though, there were postcards sent out
12 in support of the Union that the Union didn't -- didn't --

13 A No. To my -- to my know -- I apologize, I didn't make it
14 out. To my knowledge, I don't know how this -- or what this
15 is. That's just to my knowledge. I wasn't involved. If there
16 was something like this done, I wasn't involved.

17 Q And to your knowledge, did the Union give voter list
18 information to third parties to send out postcards or anything
19 else?

20 A Not to my knowledge, no.

21 Q So you wouldn't know how third parties would get access to
22 employee contact information?

23 A I don't know where this came from. And so I'm not sure if
24 an employee gave you this from their home, if this was sent to
25 the Amazon warehouse, or if this was sent to the union hall. I

1 just don't know what it is. So I wouldn't be able to answer
2 those questions. But I just don't know what it is.

3 Q But my question's a little more direct.

4 A Uh-huh.

5 Q And if I need to rephrase it, I'm happy to. But during
6 the campaign, after the Union got the voter list, did you give
7 employee contact information to any non-union or third-party
8 agents to contact employees?

9 A No. I already answered that. And the answer was no.

10 Q Thank you. I will not move for the admission of Exhibit
11 31 based upon the witness's testimony. So we'll skip that one
12 and we'll look at Employer Exhibit 32.

13 HEARING OFFICER MEYERS: Thank you. Can we pull up
14 Exhibit 32, please?

15 BY MR. BRODERDORF:

16 Q Thank you. Mr. Brewer, have you -- take a moment and look
17 at this, and then I'll ask you questions regarding it.

18 A I've read it.

19 Q And so was this a postcard that was issued through the
20 Union's campaign?

21 A I'm not aware of it. It'd be the same -- it's the same
22 answer -- I apologize, but I don't know -- I've never seen
23 these. I don't know where you got -- I don't know what they
24 are. That my -- I mean, that's my honest answer.

25 Q Did the Union orchestrate any postcard writing campaigns?

1 A If there was, I wouldn't have been aware. Because I've
2 never seen this -- these postcards. So --

3 Q Okay. Yeah. I'm sorry. Please continue.

4 A There are some things that may have happened or didn't
5 happen that I wouldn't have knowledge to. I just don't have
6 knowledge of this.

7 Q Okay. Fair enough. I also would not move for the
8 admission of this document.

9 Mr. Brewer, just a quick question about swag or campaign
10 materials; did the Union make available during the campaign any
11 swag for employees to take or use if they wanted?

12 A No. No. And we didn't -- we didn't like, actively hand
13 out any "swag" like that. You know, like, at the gates or
14 anything, no.

15 Q What about the union hall? Could someone come pick up
16 swag if they wanted?

17 A Yeah. I mean, I think there was, you know, there might
18 have been a time where we, you know, we were doing, MEA, and
19 interviews, and things like that, where we would put a RWDSU
20 shirt on someone. Like, that. You know, I can't say that
21 didn't happen. But outside of that, no. There was no, you
22 know, handing out of any merchandise.

23 Q Fair to say though that the Union could've bought
24 merchandise and handed it out if it wanted to?

25 MR. DAVIES: Objection, speculative. Argumentative.

1 HEARING OFFICER MEYERS: Sustained.

2 MR. DAVIES: Madam Hearing Officer? Can we ask the
3 bailiff to take down the exhibit unless Mr. Broderdorf still
4 needs it?

5 HEARING OFFICER MEYERS: We can.

6 MR. BRODERDORF: I'm sorry, I'm ready to -- I'm ready to
7 move to the next one.

8 MR. DAVIES: Thank you.

9 MR. BRODERDORF: I only have a few more exhibits, and then
10 I -- that we were going to go through. 33 was next.

11 HEARING OFFICER MEYERS: Okay. Mr. Bailiff, can you pull
12 up number 33?

13 BY MR. BRODERDORF:

14 Q Thank you. So Mr. Brewer, there -- we've already got
15 testimony about the Union's social media site, so I'm not going
16 to belabor the point, though. But I don't think -- I don't
17 think during the prior Q and A we had identified this,
18 specifically, the union -- the union websites or social media
19 sites during -- during the campaign. So I just wanted to get
20 those into the record and have you validate them, please. So
21 the Union had a -- a website, was it bamazonunion.org?

22 A Correct.

23 Q And I'll -- I'll represent, and I -- I think your counsel
24 will -- will agree, that the Union produced for the company all
25 of the updates from that -- from that webpage. And Employer

1 Exhibits 33 and 34 are intended to be those updates. I -- I
2 don't, I'm not planning to have you look at all those pages or
3 any -- anything there. But I would like to move those into the
4 record.

5 MR. BRODERDORF: And so Mr. Davies or Mr. Rouco, I'm open
6 to any input you have to make that smooth. Because like, I
7 don't -- I don't necessarily need or want the witness to have
8 to look at every single page. We can -- we can scroll through
9 and -- and whatever you think is appropriate.

10 MR. DAVIES: Yeah. Let me just look at them real quick.
11 I -- I think you're right, Mr. Broderdorf, that those are
12 documents that the Union produced pursuant to the subpoena from
13 the Employer. So yes, those are -- those are union produced
14 documents.

15 HEARING OFFICER MEYERS: And will you stipulate to the
16 admission thereof?

17 MR. DAVIES: Yes.

18 MR. BRODERDORF: 33 and 34?

19 MR. DAVIES: Let me just check 34. Just looking at 33.

20 MR. BRODERDORF: Sure. Thank you.

21 HEARING OFFICER MEYERS: Is 35 also something that was
22 decided for -- was in the production?

23 MR. BRODERDORF: Well, no Madam Hearing -- Hearing
24 Officer. But it is -- it is part of Exhibit 34 and 35. It's
25 just that I didn't want us stuck with going through 40 pages,

1 so it's a separate exhibit.

2 MR. DAVIES: Yeah. Looking -- I'm just --

3 HEARING OFFICER MEYERS: I'm going to need you to identify
4 why we're putting these in. I'm not going to take these
5 documents just for whatever purpose you choose to use them for,
6 on brief. You're going to need to identify specific portions.
7 So --

8 MR. BRODERDORF: Okay. Well Exhibit 35 is the specific
9 portion that we would intend to use on briefing. And so I'm --
10 I'm fine with a record stipulation that the rest of the update
11 is simply to confirm that there was a website that existed and
12 validate it and the Union used it throughout the campaign.
13 That's -- that's the point of the introduction.

14 HEARING OFFICER MEYERS: So 33 and 34 were just to show
15 that there was a website?

16 MR. BRODERDORF: With -- with -- with posts by the Union
17 throughout the campaign period. Yes.

18 HEARING OFFICER MEYERS: Well, Mr. Davies, will you
19 stipulate that the Union maintained a website with updates
20 throughout the election?

21 MR. DAVIES: Yes. We can stipulate to that. I'm -- I'm
22 just --

23 HEARING OFFICER MEYERS: They stay on. I'm going -- I'm
24 not going to accept Exhibits 33 and 34, I think they're
25 irrelevant.

1 **(Employer Exhibits Number 33 and 34 Rejected)**

2 HEARING OFFICER MEYERS: You want to put in 35 as a
3 relevant document, you can do that.

4 MR. BRODERDORF: Yes. Yes, Madam Hearing Officer.

5 MR. DAVIES: Okay. All right.

6 MR. BRODERDORF: So if we could -- we could jump to 35
7 then. And then -- wrap up the new exhibits. Or at least get
8 to the -- close to the end. Thank you.

9 MR. DAVIES: Yeah. That's -- yeah that -- that -- that
10 appears to be one that is Amazon-produced document. But it
11 does appear to be an update from the Union's website.

12 HEARING OFFICER MEYERS: Amazon produced that or -- or the
13 Union produced it to --

14 MR. DAVIES: For some reason it -- it looks like Amazon
15 produ -- Amazon did produce it. And it -- but it does look
16 like it, appears to be an update from the Union's website. The
17 Amazon union website. Don't know why it wasn't in the previous
18 document or documents. Probably just missed it.

19 MR. BRODERDORF: Well I -- I believe it is. I -- I simply
20 called it out apart for the Hearing Officer's concern about,
21 you know, having a larger document without focusing on the
22 piece that we wanted to highlight, which was this one update.
23 So I'm just going to ask a few questions about this one update
24 and --

25 MR. DAVIES: Okay.

1 MR. BRODERDORF: Hopefully have Mr. Brewer validate it and
2 have it admitted, and then we'll move on.

3 MR. DAVIES: Good.

4 HEARING OFFICER MEYERS: Is there any -- is there any
5 objections to the -- the receipt of Amazon Exhibit 35?

6 MR. DAVIES: No.

7 HEARING OFFICER MEYERS: The portion of the update? Okay.

8 MR. DAVIES: Nope. No objection.

9 HEARING OFFICER MEYERS: So 35 has been received.

10 **(Employer Exhibit Number 35 Received into Evidence)**

11 HEARING OFFICER MEYERS: So let's narrow our -- narrow our
12 testimony on 35 that's been received.

13 MR. BRODERDORF: Yes. Thank you. And Madam Hearing
14 Officer, Exhibits 33 and 34, if those were -- if those were
15 deemed rejected, I would respectfully ask that they be labeled
16 as part of the rejected exhibits file so they -- for
17 recordkeeping.

18 HEARING OFFICER MEYERS: So noted. Exhibits 33 and 34
19 will be placed in the rejected exhibit file.

20 MR. BRODERDORF: Thank you.

21 BY MR. BRODERDORF:

22 Q Mr. Brewer, Exhibit 35 up on the screen, are you familiar
23 with this post that the Union made in February of 2021? And we
24 can scroll to the next page so you can look at it fully before
25 you respond, if that's helpful.

1 A Sorry, I was muted. Nobody was going to tell me. It's
2 all good. Everybody else gets told, I was just a-talking.
3 Sorry. The --

4 HEARING OFFICER MEYERS: It's okay. I was reading. I
5 didn't notice you were talking.

6 THE WITNESS: All good. I don't think anyone was looking.
7 The -- it's similar to the last document. Yes. So I've read
8 it.

9 BY MR. BRODERDORF:

10 Q So you're familiar with this document?

11 A I am. Yes.

12 Q And is it -- is it fair to say this is the -- is this the
13 Union responding to Amazon's communications and meetings they
14 held in January?

15 A Yeah. I think that's fair to say. I mean it's just --
16 it's our messaging. You know, about benefits of the Union.

17 Q And then the Union was aware in February of messages and
18 communications that Amazon was making during the campaign?

19 A Yes. These were mostly done by committee people. They
20 ran the meetings.

21 Q Okay. No further questions then on Exhibit 35. So just
22 to confirm for the record, Mr. Brewer, so the Union had a -- a
23 Facebook, Twitter, and Instagram?

24 A Yes, we did.

25 Q And it was -- and if you don't remember, that's fine, but

1 I'm just trying to make it as brief as possible.

2 Facebook.com/bamazonunion? Sound right?

3 A Yes. Yeah. Yes.

4 Q Twitter/bamazonunion?

5 A Yes.

6 Q And Instagram.com/bamazonunion?

7 A Yes. I -- I, yes, as much as I would know.

8 Q And -- and the RWDSU also have parallel -- parallel social
9 media other sites where it would put information that might be
10 posted?

11 A Well I -- about, separate as like is our -- does our union
12 have a separate Facebook page?

13 Q Right. Did anything about the Amazon campaign end up on
14 any parallel RWDSU sites?

15 A It may have. Yeah, I wouldn't know. I would not know.

16 Q You wouldn't know? Okay.

17 A I wouldn't have control of that, no.

18 Q So Mr. Johnson asked you some questions about the voter
19 list. And you testified earlier that you received it on -- or
20 you recall receiving it on or around January 20th. They
21 offered you at the end of March, right?

22 A Yes. They began in February, early February and went to
23 the end of March. That's correct.

24 Q So anybody involved with the number of NLRB campaigns for
25 this month?

1 A I have.

2 Q So having roughly -- having access to a voter list for
3 roughly 70 days before ballots are due in an election,
4 that's -- that's a lot -- that's -- that's a long time, right?

5 A I wouldn't say that. There was lot of things that were
6 different about this election. Because there was not --

7 Q Well it wasn't -- it wasn't -- wasn't quite my question.
8 Just given your experience with an NLRB election, 70 days is a
9 long time to have a voter list, isn't it?

10 A No.

11 Q No? So you --

12 A I've never done an elect -- I've never done an election
13 like this. Nobody has. So no, I don't have any frame of
14 reference to 5,800 workers during a pandemic.

15 Q Right. Well, again, my -- my question though is, in your
16 experience, can you recall any elections where you had a voter
17 list for -- for this long before ballots were due?

18 A I've never done a mail-in election during a pandemic.

19 Q And fair to say that when Amazon was holding the meetings
20 in January, that Amazon stopped any mandatory meetings before
21 the ballot tally, right?

22 A I -- yeah. I think whatever the law told you -- told
23 Amazon they need to stop, I believe they stopped it. As far as
24 I'm aware.

25 Q Yeah. And do you know that there's no objection pending

1 that Amazon continued to hold mandatory meetings beyond some
2 legal deadline, right?

3 A That's correct. To my knowledge.

4 Q And so throughout February and March, the Union was doing
5 in-person events, right?

6 A Doing outdoor in-person mostly, yes. Small group.

7 Q You have any meetings at the union hall in February or
8 March?

9 A We did.

10 Q That with -- with voters?

11 A Yes.

12 Q And Mr. Brewer, do you recall several days after the --
13 the tally in this case, giving an interview with Luis Leon of
14 Labor Notes?

15 A I do.

16 Q And that interview occurred on April 13th?

17 A I believe so.

18 Q And then the interview was -- was published a few days
19 later?

20 A I believe so.

21 Q Did you have a chance to review that interview?

22 A I have. I mean it was, you know, it was -- yeah. I mean
23 I -- I was there.

24 Q And the interview is basically a -- I believe it was
25 published as a result of basically the transcript of a

1 questions and answers you had with Mr. Leon, right?

2 A An edited transcript, but yes.

3 Q An edited? So was there anything about it that you asked
4 him to retract or to -- to change?

5 A No.

6 Q So you'd say it was an accurate summary of the interview
7 you gave?

8 MR. DAVIES: I'm going to object. If there's a transcript
9 of the interview that the Employer wants to provide to
10 Mr. Brewer to review, then I think he could ask him these
11 questions. But to -- to not -- to basically ask him to confirm
12 that there's a transcript and is there anything in the
13 transcript that's incorrect or -- or that he retracted without
14 him having the transcript in front of him I think is
15 inappropriate.

16 HEARING OFFICER MEYERS: Can we put the document up on the
17 screen and allow him to review it, perhaps? Is that --

18 MR. BRODERDORF: Yes. Yes, Madam Hearing Officer. This
19 is the last exhibit we have. It's Exhibit 36.

20 THE WITNESS: Okay. You can go ahead.

21 HEARING OFFICER MEYERS: Mr. Brewery, have you -- have you
22 read the article recently and reviewed it?

23 THE WITNESS: Yes. I'm -- I'm pretty aware of it. Thank
24 you.

25 BY MR. BRODERDORF:

1 Q Mr. Brewery, did you want to go -- I believe it's, this
2 ar -- this exhibit is 14 pages. And I'm happy if you'd like to
3 look at each page. I realize Mr. Davies may not -- may not
4 need a break for him to read it all. But I -- and I do want to
5 move along. But I also don't want to create any concerns with
6 your --

7 MR. DAVIES: Well I guess Madam Hearing Officer, I would
8 also object to the relevance of a interview given after the
9 ballot tally in this case. I'm not sure what the relevance is
10 to this particular proceeding?

11 MR. BRODERDORF: May -- may I briefly respond?

12 HEARING OFFICER MEYERS: Mr. Broderdorf, please respond.

13 MR. BRODERDORF: Yes. The article is very much relevant,
14 because Mr. Brewer, as the lead organizer, took certain
15 positions and I was only going to highlight several of those,
16 and not the entire interview as it relates to the objections
17 that were filed. And the Union's request for a second election
18 based allegedly on objectionable conduct by Amazon.

19 HEARING OFFICER MEYERS: Okay. What's the -- bottom line,
20 I am going to let him ask questions with regards to this.
21 However, I am going to require you to identify specific
22 portions of this document that's supposed to be a transcript of
23 an interview with Mr. Brewer, but I need you to identify the
24 portions that are allegedly relevant to this proceeding.

25 MR. BRODERDORF: Understood.

1 HEARING OFFICER MEYERS: Please proceed.

2 MR. BRODERDORF: Thank you. And --

3 HEARING OFFICER MEYERS: And your objection is overruled.

4 BY MR. BRODERDORF:

5 Q Mr. Brewer, during -- during this interview you told
6 Mr. Leon that -- that union campaign was, in your word, really
7 exploding, in March, and doing well. Is that -- is that
8 accurate?

9 A Yes. I think it is. A lot of people were excited to have
10 it.

11 Q Madam Hearing Officer, I -- I'm happy to point us to a
12 specific pager there, although his answer to my question may
13 make that unnecessary.

14 HEARING OFFICER MEYERS: Okay. But again, once we're
15 finished, before you move for the admission, you're going to
16 have to identify specific portions of this interview that I'm
17 admitting it for the relevance of submitting for the relevance
18 thereof.

19 MR. BRODERDORF: Would it -- would it be simpler for me to
20 simply read him several quotes and then have him agree or
21 disagree?

22 HEARING OFFICER MEYERS: We can see how that goes, yes.

23 MR. BRODERDORF: Thank you.

24 BY MR. BRODERDORF:

25 Q So Mr. Brewer, I'm going to read a sentence or two, and

1 then you can tell me if you agree or disagree with that
2 representation.

3 MR. DAVIES: Mr. Broderdorf, if you can just point him to
4 the page so he can read along with you?

5 BY MR. BRODERDORF:

6 Q Sure. So we're going to scroll down. I'll tell you when
7 we can stop. Stop. We're in the middle of the page, there's a
8 section I think a lot of people were a little surprised by our
9 resolve, can you see that Mr. Brewer?

10 A I do.

11 Q So I'm going to just read that section. "I think a lot of
12 people were a little surprised by the results, and I think a
13 lot of that was because when" -- when you came -- "when people
14 came down in March, they saw a new campaign that had a little
15 bit of time to get its feet underneath it and get its legs
16 underneath it and was really beginning to explode with
17 committees and workers taking variable stance. We just didn't
18 get there fast enough." We fought like it to get there but we
19 couldn't get there -- "We fought like hell to get it there fast
20 enough."

21 Is that an accurate summary of your statement?

22 A That is my statement, but so you're going to ask me to
23 give you accurate context around a document that you haven't
24 asked for my context around, and so this was an interview that
25 was given about organizing during a COVID workplace, and we

1 were also specific about not approaching legal subjects during
2 this interview, and so you know, I mean, if you're just going
3 to ask me did I say the things I said in the sentence, then,
4 yes --

5 Q Fine.

6 A -- but is it --

7 Q Oh, is it --

8 A -- accurate context?

9 Q Is it -- is it true -- is the statement true?

10 A It's -- yes. So I can tell you that this statement is my
11 interview.

12 Q Thank you. And isn't it true that in the same statement
13 you said that if the ballots had gone out just a few weeks
14 later that the campaign would've been winnable?

15 A I don't see me saying that.

16 Q Okay, well let's -- let's scroll down.

17 A I just need to read it so I can, again, look at context,
18 if -- if you're going to just --

19 Q Understood.

20 A -- reread the sentence.

21 MR. BRODERDORF: Let's scroll down, please.

22 HEARING OFFICER MEYERS: Where? Mis --

23 MR. BRODERDORF: I'll -- I'll -- I'll -- I'll say
24 around -- flags -- flag the page.

25 HEARING OFFICER MEYERS: Can you not give us a page

1 number?

2 MR. BRODERDORF: Unfortunately, the -- the number -- the
3 one I have doesn't have Bates labeling, so -- it's actually
4 this page right here. Thank you.

5 Q BY MR. BRODERDORF: So it's the second paragraph, Mr.
6 Brewer. I'll read it. It says, "I just think when you're
7 talking about a campaign on 1500 workers, four to five months
8 was not quite enough time. We just needed a little more time.
9 I really do think there's a deeper debrief to be had and we'll
10 put up -- pull a lot of lessons out of this. I think the
11 campaign is winnable. The voting starts March 1. I really
12 believe that with all my heart. I believe it actually was
13 winnable up until it wasn't. If there wasn't a huge early
14 turnout in early February before we can really get the
15 messaging out, once we had contact information, then we could
16 win."

17 Is that a true statement?

18 A So again, there is -- first of all, it's different than
19 what you said I said, so I'd like to state that, and so please
20 be careful about that. Secondly, it is -- it's a -- it is a --
21 a statement in the context of COVID and a mail-in election.
22 It -- again, I -- did I say that statement? Yes.

23 Q And how did -- how did -- how did you know that there was
24 a huge early turnout in early February?

25 A Well, I was also a part of the ballot clearing process and

1 could see the -- I mean, I'm a human, so I mean, I could kind
2 of -- you know, I mean, I just -- there was a lot of people --
3 there was a lot of reasons. The workers told us; Amazon pushed
4 for an early vote. It just seemed to be the case. You know,
5 but I'm not -- again, it's -- I'm speculating.

6 Q So you were relaying information from the ballot count?

7 A No. No, what I'm saying is, as a human, I was a part of a
8 campaign for five months. Amazon did an early vote push to get
9 workers to vote early before that they could hear from the
10 Union, and so in the context of this interview, you're asking
11 about COVID or labor law, and you're saying that, you know, we
12 believed that we would like to have more time with workers was
13 the context of -- of my statement there, and so you know,
14 getting back to you said January 20th was when we had the list.
15 Context of my statement is that if we'd have had more time with
16 workers. And also, I could've added to that paragraph if they
17 had not changed the traffic patterns, and so again, there's
18 context here that you're not, you know, looking to convey.

19 Q Do you -- do you -- do you recall mentioning the traffic
20 pattern at all in this article?

21 A I'm not sure. It's a long article, but I -- again, we
22 weren't -- so we were specifically not -- that's why, I think,
23 our lawyers are saying what they're saying. This is an April
24 17th article that was specifically not about the ongoing legal
25 strategy, so no, I wouldn't have said anything.

1 Q So -- but ultimately, it's fair to say that your -- your
2 message during this interview was we just needed more time to
3 campaign and we could win the election, right?

4 A So this is a 16-page interview and that was one part of a
5 variety of things that if they didn't happen we could've won
6 the election. If I had been talking about the legalities in
7 this interview, I would've said if Amazon had not put a polling
8 place by the front door, then we would've won the election, but
9 because I was not -- a surveilled polling place -- but because
10 I was not talking about the legal legalities in this interview,
11 I would not have gone there. This is an interview that was
12 four weeks after the campaign was done.

13 Q Again, my last -- my last question, though, is that you
14 agree that if the Union had more time to campaign then you
15 think the Union would've won the election?

16 A I believe that one of the very many reasons as to why we
17 didn't win, one of them would be that we didn't have enough
18 time.

19 HEARING OFFICER MEYERS: Mr. Broderdorf, if you're --

20 MR. BRODERDORF: Yes.

21 HEARING OFFICER MEYERS: -- going to continue down this
22 line of questioning, please tell me what the relevance is.

23 MR. BRODERDORF: Yes, so Madam Hearing Officer, the
24 Union's objections are -- are asking for our -- our -- taking
25 the position that, one, there was objectionable conduct, okay,

1 and two, based upon that objection, there was such -- such a
2 level of interference in the Union's ability to campaign and/or
3 win the election that the Board should expend the resources to
4 do this election all over again based upon those objections,
5 and this -- in this interview, Mr. Bu -- Brewer is saying that
6 the campaign is winnable if they just had more time to campaign
7 with the voter list, and they had an extensive amount of time
8 already, but he's saying there needs to more time to campaign
9 and then they could've won. That, I think, is relevant to the
10 decision of whether or not the Board should hold a second
11 election even if it thinks that there was some objectionable
12 conduct.

13 HEARING OFFICER MEYERS: Well, I'm -- I'm --

14 MR. ROUCO: May I -- may I respond to that?

15 HEARING OFFICER MEYERS: You may, Mr. Rouco.

16 MR. ROUCO: Well, first of all, I think he's
17 mischaracterizing what Mr. Brewer says. What he says -- my --
18 is that -- I mean, he does say things about more time, I grant
19 that, but he also says that had Amazon not done what it did in
20 this case which -- the election would've been winnable. It's
21 not just a matter of more time. It's a matter of Amazon's
22 conduct also.

23 THE WITNESS: It was also a separate conversations.

24 MR. ROUCO: Yay -- Josh, what --

25 THE WITNESS: Oh.

1 HEARING OFFICER MEYERS: There's no question before you,
2 Mr. Brewer.

3 THE WITNESS: Yeah.

4 HEARING OFFICER MEYERS: With that said, I think you've --
5 you've established what you wanted to establish. Are those the
6 two sections or is there anything else in this document that
7 you would like to highlight because I'm only accepting it for
8 the purposes of consideration of those portions of the document
9 that you highlight.

10 MR. ROUCO: Madam Hearing Officer, this is -- this is
11 Richard again. We --

12 HEARING OFFICER MEYERS: This is Mr. Davies witness,
13 right?

14 MR. ROUCO: Oh. Yeah. That's right. But I thought --
15 they get to tag team. Don't we get to -- to --

16 HEARING OFFICER MEYERS: Okay. Well, what is it -- what
17 is --

18 MR. DAVIES: Yeah, I mean, really. I mean --

19 MR. ROUCO: You know, they've all --

20 MR. DAVIES: -- this is not an adversarial proceeding.

21 MR. ROUCO: Anyhow, the point is this: I don't want them
22 to cherry -- to cherry pick out of this document what they
23 think is good for them and have that introduced because there's
24 a lot of things in here that -- that Mr. Brewer says that, if
25 they're going to be admitted as evidence, you should consider,

1 too.

2 HEARING OFFICER MEYERS:. Okay, but it's a 15-page
3 document, is it not?

4 MR. ROUCO:. It is a 15-page document, and -- but if it --
5 if it's going to come in, for the purposes of completeness, the
6 whole thing should come in.

7 HEARING OFFICER MEYERS: All right, but you know, if there
8 is some smoking gun in here, I want the parties to point it
9 out. I don't -- you -- we're not going to play hide the ball
10 here, so --

11 MR. ROUCO: I -- I agree, but it's not our exhibit, but
12 it -- but I just think it -- it -- for fairness purposes, if
13 it's going to come in, the whole thing should come in.

14 HEARING OFFICER MEYERS: Fine, the whole thing will come
15 in, then. You don't need to continue to identify and give more
16 questions, Mr. Broderdorf. Please continue.

17 MR. BRODERDORF: I've highlighted, Madam Hearing Officer,
18 the -- the portions that -- that I want to, and -- and
19 obviously, the Union has something it needs to ask on -- on
20 redirect. This was cross-examination, was pointing out the
21 interview and the key -- the key points there, so I think
22 we're -- I think we're prepared to move on. I'll just see if
23 there's any additional final questions and then --

24 HEARING OFFICER MEYERS: All right. We're going --

25 MR. BRODERDORF:. -- (indiscernible, simultaneous

1 speech) --

2 HEARING OFFICER MEYERS:. -- to stay on the record while
3 you consult.

4 MR. BRODERDORF: I'm sorry, Madam Hearing Officer?

5 HEARING OFFICER MEYERS: We'll stay on the record while
6 you consult. How much time do you need the --

7 MR. BRODERDORF: I think we're all set, so we pass the
8 witness. Thank you.

9 HEARING OFFICER MEYERS: Will there be any redirect of
10 this witness?

11 MR. ROUCO: We --

12 MR. DAVIES: Can we have a few minutes to confer?

13 HEARING OFFICER MEYERS: You can. How much -- how much
14 time do you need to confer? Can --

15 MR. DAVIES: Ten minutes.

16 HEARING OFFICER MEYERS: Okay, well do you need ten
17 minutes to prepare or ten minutes to confer?

18 MR. DAVIES: We need 20 minutes to confer and prepare.

19 HEARING OFFICER MEYERS: Okay, why don't you take the --
20 why don't we not come back in ten minutes. Why don't we take
21 20 minutes? We will reconvene at -- it's -- it's almost noon
22 your time, so 12:20 is Central Time, 1:20 Eastern Time. With
23 that, we are off the record until 1:20 p.m.

24 (Off the record at 1:00 p.m.)

25 HEARING OFFICER MEYERS: Mr. Baker, are we on the record?



1 THE COURT REPORTER: We are.

2 HEARING OFFICER MEYERS: Excellent. Mr. Davies, any
3 redirect?

4 MR. DAVIES: Yes, Madam Hearing Officer, just a few.

5 **REDIRECT EXAMINATION**

6 Q BY MR. DAVIES: Mr. Brewer, you were asked during cross-
7 examination about the Union holding in-person meetings during
8 the campaign; do you remember those questions?

9 A Yes.

10 Q Where were those in-person meetings held?

11 A They were held at the union hall.

12 Q Okay. And can you estimate the total number of
13 employees -- Amazon employees who came there to these in-person
14 meetings during the course of the campaign?

15 A The total number I would put between 100 and 200, likely.
16 It was just mostly committee -- you know, it was a committee
17 place where the -- a lot of the meetings were taking place were
18 committee members.

19 Q I'm sorry. I didn't hear you. They were mostly committee
20 members?

21 A Sorry, it was -- yes, they were mostly just committee
22 Union members meeting at the hall so that -- the union hall was
23 a little bit of a drive from the warehouse and so it was mostly
24 committee folks that would come.

25 MR. DAVIES: Thank you, Mr. Brewer. That's all I have.

1 HEARING OFFICER MEYERS: Any recross?

2 MR. JOHNSON: Can we have two minutes?

3 HEARING OFFICER MEYERS: You need two minutes for that?
4 Really?

5 MR. JOHNSON: Well, I have to talk to a few people.

6 HEARING OFFICER MEYERS: Take two minutes.

7 MR. JOHNSON: All right.

8 HEARING OFFICER MEYERS: We'll be back on the record at
9 1:25.

10 THE COURT REPORTER: Off the record.

11 (Off the record at 1:23 p.m.)

12 HEARING OFFICER MEYERS: Mr. Johnson, any further
13 questions?

14 MR. JOHNSON: Yes, just one, and thanks for coming back,
15 Mr. Brewer.

16 **RECROSS-EXAMINATION**

17 Q BY MR. DAVIES: I want to take you back to when you
18 finished testifying yesterday; do you remember that time?

19 A Yes, yesterday.

20 Q Okay.

21 A Yeah.

22 Q Correct, right, yesterday. From that point in time till
23 right now, just to confirm, you haven't spoken with anybody
24 about the content of your testimony, right?

25 A No.

1 MR. DAVIES: Okay. No further questions.

2 HEARING OFFICER MEYERS: Any redirect based on that one
3 question, Mr. Davies?

4 MR. DAVIES: No, ma'am.

5 HEARING OFFICER MEYERS: Thank you. Mr. Brewer, thank you
6 very, very much for enduring the grueling and long testimony
7 examination. I do appreciate your time. Please don't discuss
8 your testimony with anyone or with any potential witnesses.
9 You are subject to recall. I'm hoping what won't be necessary,
10 but you are released from service for the current time. Thank
11 you. I appreciate it.

12 THE WITNESS: Thank you.

13 HEARING OFFICER MEYERS: And you're -- you're free to go.
14 Mr. Davies, who is your next witness?

15 MR. DAVIES: Yes, Madam Hearing Officer, the next witness
16 is Mr. Frederick Woods. He -- he may be in the waiting room.
17 We -- we asked him to try to connect at 12:25.

18 MR. WEBB: He is not in the waiting room right now.

19 HEARING OFFICER MEYERS: Well, it is just now 12:25, so
20 we'll give him a second. What is Mr. Woods going to testify
21 to?

22 MR. DAVIES: Mr. Rouco?

23 MR. ROUCO: Yes. He -- I anticipate that he's going to
24 testify as to objections 4, 7, 9, 10, 11, 17, 19, and I'm -- I
25 missed one, 13.

1 HEARING OFFICER MEYERS: 4, 7, 9, 10, 11, 13, 17, and 19?

2 MR. ROUCO: That's correct, Ms.-- that's correct.

3 HEARING OFFICER MEYERS: Got it. Did you check on your
4 witness?

5 MR. ROUCO: The -- I will check on the witness here.

6 HEARING OFFICER MEYERS: Thank you.

7 (Off the record at 1:27 p.m.)

8 HEARING OFFICER MEYERS: Mr. Woods, could you raise your
9 right -- can -- can you hear me okay? Can you hear -- can you
10 hear me? Mr. Woods, can you hear me? Okay, can you turn your
11 speaker on? There we go. Can you hear me now? All right --

12 MR. WOODS: Yes, indeed.

13 HEARING OFFICER MEYERS: -- you'll need to -- you'll need
14 to turn on your microphone so that you -- so that we can hear
15 you now that you can hear me. Do you see the little microphone
16 down --

17 MR. WOODS: Yes.

18 HEARING OFFICER MEYERS: -- at the bottom that says mute?
19 There you go.

20 MR. WOODS: Yes.

21 HEARING OFFICER MEYERS: All right. Welcome. Glad you
22 finally got here. Thank you for --

23 MR. WOODS: Okay.

24 HEARING OFFICER MEYERS: -- persevering. Can you raise
25 your right hand as you already have?

1 MR. WOODS: Yes.

2 Whereupon,

3 **FREDERICK WOODS**

4 having been duly sworn, was called as a witness herein and was
5 examined and testified, telephonically as follows:

6 HEARING OFFICER MEYERS: Thank you, sir. Your witness,
7 Mr. Rouco.

8 MR. ROUCO: Thank you.

9 **DIRECT EXAMINATION**

10 Q BY MR. ROUCO: Good afternoon, Mr. Woods.

11 A How you doing?

12 Q And I also -- I also want to thank you for -- for all the
13 efforts that you're making to get on to this call. Mr. Woods,
14 where are you currently employed?

15 A Amazon in Bessemer, Alabama.

16 Q And what do you do -- or what job do you hold?

17 A I'm -- I'm a counter at -- at the job.

18 Q Okay. And what does a counter do?

19 A A counter -- I -- I count the products that's in the bin
20 for Amazon.

21 Q Okay. Do you have another job that you do there?

22 A Yeah, I also -- I also pick. I also store. I also --
23 amnesty.

24 Q Okay. And do you split your time between these jobs, the
25 counter --

1 A Yes.

2 Q -- and the -- okay.

3 A Yeah.

4 Q Now, tell me, when were you hired there?

5 A September of 2000 (sic)

6 Q And what floor do you work on.

7 A It -- it's not a certain floor you work on. It's -- you

8 got four floors, so I work on all of them. All depends on

9 which workday they put me on.

10 Q Okay. And who's your supervisor?

11 A Barry -- what is Barry's last name? Oh, I forgot his last

12 name, Barry. Yeah.

13 Q Barry. Okay. Is he the area manager?

14 A Yes.

15 Q Now, do you work on a certain side of the building or not?

16 A Yes, I do.

17 Q Could you explain that to the hearing officer?

18 A The -- the side of -- the side of the building that I work

19 on had to do with picking.

20 Q Okay.

21 A So running, counting.

22 Q Okay. What's the other si -- is there another side to the

23 building?

24 A Yeah, there's another side. That's the loading side on

25 the docks where they load the trucks and unload the trucks.

1 Q Have you ever worked on that -- in that side of the
2 building?

3 A Yes, I have.

4 Q And can you tell us what you did there?

5 A I helped them unload the truck.

6 Q Okay. When did that first happen?

7 A That happened long about January.

8 Q And did you discuss with anyone at HR being moved over to
9 unload the dock -- unload a truck?

10 A Yes.

11 Q Can you tell the hearing officer what that discussion was
12 when you were --

13 A Discush -- discussion was that I was told to go over there
14 to help unload the truck, and I asked them did I had a choice
15 in the matter, and I was told that I didn't have a choice in
16 the matter --

17 Q Okay.

18 A -- either I go over there or I was being terminated. I
19 told them -- I said no, I wasn't going.

20 Q So is it -- was it unusual for you to be moved over to the
21 dock side?

22 A No, no --

23 Q Okay.

24 A -- no, no.

25 Q So now, how about for loading and unloading trucks?

1 A No, no. Huh-uh.

2 Q Now, do you -- on the picking side, did -- did you have
3 more interaction with employee -- with coworkers than you did
4 on the loading/unloading side?

5 A Yes.

6 Q Okay, and why is that?

7 A Oh, on that side where I worked at, everybody is basically
8 together --

9 Q Okay. And what do you mean --

10 A -- over there.

11 Q What do you mean by together? There's workstations?

12 A There's some -- the stations are -- are more together over
13 there than on the -- on the dock side.

14 Q Okay. Got it. Now, at -- during the Union campaign, did
15 you notice any difference in how employees were treated by
16 management?

17 A Yeah.

18 MR. BRODERDORF: Question vague.

19 Q BY MR. ROUCO: Can you explain -- and what hap --

20 HEARING OFFICER MEYERS: Can you rephrase please, Mr.
21 Rouco? Sustained.

22 Q BY MR. ROUCO: During the -- during the organizing
23 campaign, did you notice a change in how employees were treated
24 with respect to having to follow the rules?

25 A Yes.

1 Q Can you describe to the hearing officer what your
2 experience was and what you witnessed?

3 A My experience was -- at the time when I started there, we
4 had a choice in the matter of whether we want to work on
5 another side, but when the Union got there, they told us we
6 didn't have no choice.

7 Q Okay. And did you --

8 A They say either we -- either we do it or we was -- we was
9 terminated.

10 Q And -- and did -- did you talk to somebody at HR about
11 this?

12 A Yes, I talked to a HR lady named Alexis (phonetic), and
13 she the one who told me that we didn't have a choice.

14 Q Okay. Now, during the Union campaign, how frequently did
15 you interact with people in the HR department?

16 A Not a lot.

17 Q Okay. And did you start seeing HR employees on the floor?

18 A Yeah. A -- a lot of them started coming around on the
19 floor asking a lot of questions and stuff on the Union -- when
20 they started talking about the Union coming to town.

21 Q What kinds of questions do you remember the HR
22 representatives asking?

23 A They was asking how did we vote it.

24 Q Okay.

25 A They -- was everything okay, and you know, it was like I

1 told them, no, a lot of stuff, you know, we wasn't satisfied
2 with.

3 Q Okay. And did you -- did anyone offer to resolve any of
4 the complaints or the things -- the things you were unsatisfied
5 about?

6 A No. No because they -- they -- they wasn't -- they say
7 they wasn't in authority to resolve the issue.

8 Q Okay. Now, did you -- were you asked about how you --
9 whether you voted or not?

10 A Yes.

11 Q Were you asked how you would vote?

12 A Yes.

13 Q Okay. First, who asked you how you would vote?

14 A It was the -- the two guys they had hired to come down
15 there and talk to us, and they asked us how we voted, asked me
16 how did I vote, and I told him I voted yes for the Union.

17 Q Okay. Do you recall when this happened, what month this
18 happened in?

19 A It was during the time they -- when they came down --
20 January -- January or February I think it was.

21 Q It's February. Was it after -- was it after you had
22 already received your ballot, do you remember?

23 A It was -- it was during -- it was before the ballot and
24 was after the ballot.

25 Q Okay. So you --

1 A Yes.

2 Q -- got asked twice how you were going to --

3 A Yes.

4 Q -- vote?

5 A Well -- well, I got asked several times.

6 Q Okay.

7 A Yeah.

8 Q Did anyone ask you if you actually received your ballot?

9 A Yes, they -- they asked us did we receive our ballot.

10 Q Okay. And who was it that did this?

11 A The -- the guys that -- that they sent down here.

12 Q Okay. And were they -- did you notice whether they were

13 making notes as to who --

14 A Yes --

15 Q -- who said --

16 A -- they was -- they was writing -- they was writing

17 information down.

18 Q Okay. And how many --

19 A It was --

20 Q -- times -- do you recall how many times you were

21 approached about whether you received a ballot?

22 A Like every other day.

23 Q Okay.

24 A If the person recognized us, they -- they say, okay, I

25 talked to you already.

1 Q And did they ask you to -- at -- at some later point, did
2 they ask you whether you voted or not, whether you sent your --

3 A Right.

4 Q -- ballot in?

5 A Yes, they -- they asked where -- if we voted. Yeah, they
6 asked a -- a lot of them if we voted.

7 Q Were there -- okay. And do you know -- do you recall how
8 frequently you were asked if you had cast your ballot or sent
9 your ballot --

10 A Yeah, that --

11 Q -- in.

12 A -- that was every day.

13 Q That was --

14 A That was --

15 Q -- every day?

16 A -- every day. Yeah, that was every --

17 Q Did you wit --

18 A -- day.

19 Q Did you witness these individuals ask or talk to your
20 coworkers also?

21 A Yeah, yeah.

22 Q And do you recall what they were -- did you hear what they
23 were asking your coworkers?

24 A The same thing they asked me: did -- did we voted.

25 Q Okay. And now, during the -- the -- the campaign, did

1 you -- did you ever hear the phrase "speak for yourself"?

2 A Yes.

3 Q Who used that phrase?

4 A Management, the -- the PAs, the operation manager, the
5 ambassadors.

6 Q Okay.

7 A That was -- that was a big campaign say we don't need
8 nobody talking for us, so I asked the question then, who would
9 talk for us.

10 Q Okay. And what did they say?

11 A They asked me -- they looked at me and -- they looked at
12 me and laughed, and I -- I asked them who would talk to us.

13 Q Okay.

14 A Because the guy did -- that they had up there talking, he
15 was on a screen. We could never talk to him. He can talk to
16 us, but -- but we can never talk to him, so --

17 Q Now --

18 A -- I didn't see no purpose in that.

19 Q All right. Now, let me ask you -- I'm -- I'm going to
20 back and just quickly about the -- the two individuals that
21 came around asking whether you voted. Do -- were they at --
22 were they employees at bh -- BHM1 --

23 A No --

24 Q -- to your knowledge?

25 A -- no, no. They wasn't employees. They were -- they

1 were hired by Amazon -- they told us they was hired by Amazon
2 to come down there and try to talk us out of joining -- getting
3 a union.

4 Q Okay.

5 A I was -- they was -- that's what they were hired to do.

6 Q Do you recall their names?

7 A No, I didn't -- I didn't get the names, but they -- it was
8 two white guys.

9 Q Okay. And were they -- were they wearing a -- a -- an
10 Amazon T-shirt or --

11 A No.

12 Q -- an am -- I'm sorry, an Amazon -- an Amazon shirt or
13 polo?

14 A No, no, no, no.

15 Q Have you seen -- after the -- after the election was over,
16 have you seen these individuals anymore at BHM1?

17 A No, they gone. They gone. They long gone. They --
18 they -- their -- their purpose -- they told us they was there
19 to tell us and show us that we didn't need the Union.

20 Q Okay.

21 A That was their sole purpose they was there for.

22 Q Okay. Now --

23 HEARING OFFICER MEYERS: And these -- I'm sorry, Richard.
24 You're saying these men told you that was why they were there?

25 THE WITNESS: That's -- that's their purpose they was

1 there.

2 HEARING OFFICER MEYERS: Is that what they told you?

3 THE WITNESS: Yes, they told us that that was their
4 purp -- purpose they was there.

5 HEARING OFFICER MEYERS: When did -- who did they tell?
6 They told -- who else --

7 THE WITNESS: They told --

8 HEARING OFFICER MEYERS:. -- did they tell?

9 THE WITNESS:. -- we was in a class. All of us, we was in
10 a class. They had a class every day or every other day, and
11 they told us that that was the purpose of them to -- to tell us
12 we didn't need a union.

13 HEARING OFFICER MEYERS: So the -- the white men that
14 asked you about whether or not you'd received a ballot and
15 whether you'd --

16 THE WITNESS: Right.

17 HEARING OFFICER MEYERS: -- voted --

18 THE WITNESS: Right.

19 HEARING OFFICER MEYERS: -- were also the ones that
20 conducted these classes?

21 THE WITNESS: Yes, yes.

22 HEARING OFFICER MEYERS: Okay.

23 THE WITNESS: Yes.

24 Q BY MR. ROUCO: Now, in terms of those classes, you -- were
25 you -- were you required to attend classes --

- 1 A Yes -- yes, they --
- 2 Q -- and the trainings?
- 3 A Yes, they -- they was ask all of them to attend the
- 4 classes.
- 5 Q And how did --
- 6 A I went --
- 7 Q I'm sorry.
- 8 A I went to two classes. I went to two classes. After
- 9 that, I was fed up with it.
- 10 Q Okay. And how would you -- when you went to the classes,
- 11 how did you learn that you would have to go to a class? Who
- 12 told you to go?
- 13 A They -- they had it up on the board, and the supervisor
- 14 and stuff came around and said who hasn't been to a class yet,
- 15 go to the class.
- 16 Q All right. And the classes, do you remember where --
- 17 where the -- the -- the two meetings that you attended, do you
- 18 know where they were held?
- 19 A Yeah, they was held on the first floor, soon as you walked
- 20 in the building on --on the right-hand side.
- 21 Q And when you attended the meeting, were there people who
- 22 spoke at the meeting?
- 23 A Yes, it was the two guys that spoke, yeah. They came
- 24 down. Yeah.
- 25 Q Did -- did you see -- was there anyone else from, like, HR

1 in the meeting, if you recall?

2 A Yeah, there was people in there from HR, but they
3 didn't -- they didn't speak. The only person that spoke was
4 the two -- two white guys.

5 Q Did they have anything with them, like computers or -- the
6 HR people? Do you recall?

7 A No. No, everybody -- the only people that had stuff like
8 that was the two guys that was in the meeting --

9 Q Okay.

10 A -- that was conducting the meeting.

11 Q Now, the two meetings that you recall, was there any
12 discussion about what could happen to your benefits if the --
13 the un -- if employees voted to form a union?

14 A Yes, they -- we -- we could lose our benefits.

15 Q Okay. Do you recall how that came up?

16 A They were -- they were telling us the Union -- if we would
17 get the Union, the Union would take away all that stuff we had:
18 the benefits, money, and everything. We would -- we would lose
19 all that stuff.

20 Q Okay. And did you ever have a conversation with a
21 supervisor about what would happen if the Union was voted in in
22 terms of your benefits?

23 A Yeah, I talked to a supervisor, and -- and I -- I -- I
24 told them that I don't think we would lose our benefits and --
25 and pay and stuff like that.

1 Q Okay, who is the supervisor's name that you remember
2 talking to?

3 A O.T. Brown (phonetic).

4 Q And do you know -- was this during the Union campaign that
5 you had this --

6 A Yes.

7 Q -- conversation?

8 A Yes, yes.

9 Q And can you -- can you tell me to -- to the best of your
10 recollection the content of that conversation, what hap -- what
11 was said?

12 A Said that we -- we would lose our benefits and money and
13 stuff, and we got into a back-and-forth conversation, but like
14 I told them, I don't think we would lose -- we would lose
15 anything. I think we would gain something --

16 Q Okay.

17 A -- by getting a union.

18 Q And did -- is it -- is it a Mr. Or Mrs. Brown? Is it --

19 A I don't know if she's married or not. I ain't --

20 Q Okay.

21 A -- looking.

22 Q But it's a woman. It's a --

23 A It's a woman.

24 Q Yeah, got it.

25 A Yeah, yeah.

1 Q Okay, did Ms. -- did Ms. Brown -- did she tell you if --
2 if -- if the Union was voted in, did she describe to you how
3 your relationship to her would change?

4 A No. No, we -- we didn't -- we didn't get to that point.

5 Q Okay, was there any discussion of whether she could -- she
6 would be prevented from helping you if you had a personal
7 problem; do you remember that? No?

8 A No, huh-uh.

9 Q Okay. And was there anyone else present when you had this
10 conversation with Ms. Brown?

11 A Yeah, there was other operation managers at the -- at the
12 podium where they worked at. Yeah.

13 Q Okay. Do you recall what their names were?

14 A No.

15 Q Would you ever --

16 A I -- I know -- I know Ms. Brown from me and her got into a
17 altercation about moving me from one area to another area.

18 Q Okay. Were there any other coworkers present when you had
19 this conversation?

20 A No.

21 Q Now, do you recall whether Amazon installed a mailbox at
22 the front of the facility?

23 A Yes, yes.

24 Q And did -- did -- did you understand why Amazon did that?

25 A They said they was trying to make it convenient for people

1 working there. They didn't have to worry about putting it in
2 their mailbox and nothing like that or they get lost or
3 something like that at home. It was more convenient. They
4 just had to drop it in that box there.

5 Q Did you talk to anyone about why Amazon put the mailbox
6 there?

7 A Yes, they -- the -- to make the people feel like it was
8 safe.

9 Q Okay.

10 A Yeah, I -- I didn't -- I didn't trust -- I didn't trust
11 the box.

12 Q Why didn't you trust the mailbox?

13 A Because there was no guarantee that my envelope would've
14 got to the -- to the right place.

15 Q Okay. Now, did you -- did you ever hear management or
16 anyone connected with management asking employees to use the
17 mailbox?

18 A Yeah. Yeah.

19 Q How frequently did you hear this?

20 A Ev -- every day. Every day. That was the sole purpose.
21 They put it out there to tell us to use the mailbox.

22 Q Okay.

23 A Yes.

24 Q Now, do you know if there was security cameras or can --

25 A I'm pretty sure --

- 1 Q -- that pointed outwards?
- 2 A -- there is. Yeah, I'm pretty sure --
- 3 Q Pretty sure?
- 4 A -- there's cameras out there. I'm pretty sure. Yeah.
- 5 Q Did -- has anyone in management ever told you that there's
- 6 security cameras recording what happens in the parking lot?
- 7 A No, but a -- a security guard told me at one time that --
- 8 is -- is cameras out there.
- 9 Q Do you recall when you had this conversation with the
- 10 security guard?
- 11 A About four months ago.
- 12 Q And why -- do you know why did you have this conversation?
- 13 How did this come up?
- 14 A We was talking about -- we was talking about all the
- 15 cameras inside the building, and that's how it came up with the
- 16 cameras outside the building. He said -- he said there was
- 17 also cameras outside the building.
- 18 Q And -- and where were you when you had this conversation
- 19 with the security guard?
- 20 A He was coming through on the floor.
- 21 Q Do you recall the security guard's name?
- 22 A No, it was a -- it was a black guy. He still work there.
- 23 Q Okay.
- 24 A He still work there. He is a black guy.
- 25 Q Now, was there a tent that was, to your knowledge, put

1 around the mailbox?

2 A Yes, there was.

3 Q And did you see any writing -- do you recall whether there
4 was any messages that were also put on the side of the tent?

5 A No, I didn't -- I didn't look that close to the -- the --
6 the tent was right -- when you walk out this front door, it
7 was, like, over to your left. It was like in the middle, so I
8 did not go that way because my car was parked all the way on
9 the right-hand side.

10 Q Okay.

11 A So I didn't have to go to that direction --

12 Q Well, then how did --

13 A -- for (indiscernible, simultaneous speech).

14 Q -- how did you know -- how did you know there was a tent
15 put over the mailbox, then? How did you learn that?

16 A Because when I came to work, I -- I saw the tent. Yeah.

17 Q Did you ask anybody what -- why there was a tent there?

18 A No, I didn't. I didn't.

19 Q All right.

20 A I -- I --

21 Q Did -- have you -- have you talked to -- to coworkers
22 about that mailbox?

23 A Yeah, I -- a -- a -- a -- a lot of them say they wish they
24 didn't -- they didn't use it.

25 MR. BRODERDORF: Objection. Hearsay.

1 THE WITNESS: Okay, well.

2 MR. ROUCO: No, no. No worries. He's not -- the -- I
3 think we're not -- we're not offering it for the proof of the
4 matter. It's just discussions. I mean, one of the issues here
5 is how employees reacted to that mailbox and whether they
6 were -- they felt that they were being pressured to use it.

7 MR. BRODERDORF: Madam Hearing Officer, you're on mute.
8 You're on mute, Madam Hearing Officer.

9 THE WITNESS: Say that -- say that again, now.

10 MR. ROUCO: No, this is -- he -- he's talking to the
11 hearing off -- the hearing --

12 THE WITNESS: Oh.

13 MR. ROUCO: -- officer. She's --

14 HEARING OFFICER MEYERS: Sorry about that.

15 MR. ROUCO: She's back.

16 HEARING OFFICER MEYERS: Okay, the -- the objection was
17 sustained. I don't understand how their subjective impression
18 as to whether they're being pressured is -- is relevant. Can
19 you address that for me, please?

20 MR. ROUCO: I'll ask another question.

21 HEARING OFFICER MEYERS: Thank you.

22 MR. ROUCO: that's fine.

23 Q BY MR. ROUCO: It -- and I -- I may have already asked you
24 this question, Mr. Woods, but did you talk to any of your
25 supervisors about why a mailbox was put out in the front of the

1 building?

2 A No, I -- I -- that's what --

3 MR. BRODERDORF: That's been asked and answered.

4 HEARING OFFICER MEYERS: Mr. -- I'm going to overrule that
5 objection. I don't think it's been asked and answered.

6 Q BY MR. ROUCO: I'm -- I think he answered it already, but
7 Mr. Woods, my question was did you have any conversations with
8 a supervisor about why Amazon installed -- felt like it --
9 it -- it -- well, why Amazon installed a mailbox at the front
10 of the building?

11 A They said it was -- it was make it convenient for the --
12 for the employees.

13 Q Okay.

14 A Make it convenient for the employees.

15 MR. ROUCO: All right. I have nothing further. Thank
16 you, Mr. Woods. I appreciate you taking time. Your -- you
17 might be asked some questions --

18 THE WITNESS: Okay.

19 MR. ROUCO: -- by --

20 HEARING OFFICER MEYERS: Mr. Broderdorf, how -- how long
21 do you need to prepare for this cross-examination?

22 MR. BRODERDORF: 15 minutes, please.

23 HEARING OFFICER MEYERS: Okay. We'll take 15 minutes. In
24 the meantime, can Union's counsel please get their next witness
25 ready and --

1 MR. ROUCO: Well, we would like to take a break before we
2 put on the next witness.

3 HEARING OFFICER MEYERS: How long a break do you need?

4 MR. ROUCO: Just I guess -- what, we're 15 minutes now,
5 right? He's going to get asked some questions. I don't know
6 how long that, and then probably 20, 25 minutes afterwards.

7 HEARING OFFICER MEYERS: Okay. So let's start getting
8 your witness in place so I don't hear that we don't have a
9 witness.

10 MR. ROUCO: Yeah, I -- we will, but I -- I'm --

11 HEARING OFFICER MEYERS: Okay.

12 MR. ROUCO: -- just like to get something to eat.

13 HEARING OFFICER MEYERS: I -- I -- I understand, and I
14 will give you 25, 30 minutes to get something to eat.

15 MR. ROUCO: All right.

16 HEARING OFFICER MEYERS: We'll take 20 minutes, and
17 where's the clock that's on this thing? It's disappeared.
18 Hold on. It's 2:11, so 1:11 your time. Let's go to 1:30 your
19 time. So we'll be in recess until 1:30.

20 Mr. Woods, the Employer's counsel is going to come back
21 and ask you questions but they need some time to prepare, so
22 you can turn off your microphone and your camera but just
23 please be back here by 1:30 your time, okay?

24 THE WITNESS: Okay. All right.

25 HEARING OFFICER MEYERS: Okay, can -- you can do that for

1 me, right?

2 THE WITNESS: Yeah, I can do that for you.

3 HEARING OFFICER MEYERS: Excellent. All right, so we will
4 be -- we will be in recess until 1:30 Central Time, 2:30
5 Eastern Time, and we are off the record.

6 (Off the record at 2:12 p.m.)

7 HEARING OFFICER MEYERS: Mr. Broderdorf, do you have any
8 questions for this witness?

9 MR. BRODERDORF: Yes, I do.

10 HEARING OFFICER MEYERS: All right, please proceed.

11 **CROSS-EXAMINATION**

12 Q BY MR. BRODERDORF: Good afternoon, Mr. Woods. My name is
13 David Broderdorf. I'm attorney from Amazon, and I have some
14 questions regarding your testimony today.

15 A Uh-huh.

16 Q So Mr. Woods, you -- you testified that you -- I believe
17 you called it a class. You went to a class where Amazon talked
18 about the Union campaign, correct?

19 A Correct.

20 Q And isn't it correct that you attended only one of those
21 classes?

22 A No, I -- I attended more than one.

23 Q So it's your testimony that you attended more than one
24 class?

25 A Yeah, I think I attended, like, two of them.

1 Q So you recall going to two meetings?

2 A Yeah.

3 Q And you talked about presenters in the meetings. Did both
4 meetings have the same presenters?

5 A Yeah, same people.

6 Q And when those presenters were up there, they -- they had
7 a presentation up on screen, correct?

8 A Yes.

9 Q And they were talking from the presentation?

10 A Yes.

11 Q And specifically, when they were talking about collective
12 bargaining, there was a slide that said wages or benefits can
13 go up, they can go down, or they can stay the same as a result
14 of negotiations, right?

15 A They was saying everything we can lose it. We can lose
16 our -- our benefits and stuff.

17 Q Could, but it also said that they could stay the same or
18 they -- they could go up, right?

19 A Yeah, it -- it said that.

20 Q And you testified, Mr. Woods, that in -- in your view,
21 that there were gains for employees in voting for the Union,
22 right?

23 A There was gains?

24 Q Yeah, that the employees could be better off by voting for
25 the Union, right?

1 A Yeah. Yeah, I -- I said that, yeah. Yeah --

2 Q All right.

3 A -- I said --

4 Q And -- and you testified earlier that you voted yes,
5 right?

6 A Right. I -- I voted yes.

7 Q And so when you -- when you mentioned the fact that you --
8 you heard about the gains or the benefits from -- from joining
9 the Union, did you learn about that from the Union's campaign
10 communicate -- cu -- communications to you?

11 A No, I -- I learned that by being in a union years ago.

12 Q Okay, so you're talking about a prior union
13 representation?

14 A Yeah.

15 Q And you testified that at some point you said that you
16 didn't want to go -- you didn't want to go to any more
17 meetings; is that -- is that --

18 A Right.

19 Q -- what you said?

20 A Right.

21 Q And so you decided not to go to any more?

22 A Correct.

23 Q And then, Mr. -- Mr. Woods, you -- you testified that
24 there were gentlemen -- ultimately, though, Mr. Woods before I
25 ask that in the next question. Did you -- do you recall

1 receiving any campaign communications from the Union at all?

2 A No.

3 Q Did you read any?

4 A No.

5 Q Did you see any?

6 A Yeah, when we came in -- I mean, when we was coming into
7 work, the -- the Union people was outside with the signs and
8 stuff.

9 Q Okay. And then you -- you mentioned that there were --
10 you said the same two gentlemen who were in the meeting were
11 the -- were the same gentlemen who were -- you said, they were
12 walking around --

13 A Right.

14 Q -- during the voting period?

15 A Yes.

16 Q And -- and isn't it true what they were asking is did you
17 have a ballot, right?

18 A They asking us did we voted, yeah.

19 Q Well, that's --

20 A Did we voted.

21 Q Did you vote is different than do you have a ballot.

22 Isn't it true that what they were asking you is did -- did --
23 did you have a ballot from the NLRB?

24 A They asked us did we voted. That was the ask -- ask did
25 we voted. Yeah.

1 Q Okay, well, let me break it down.

2 A Okay.

3 Q Isn't it true that they asked you do you have a ballot,
4 which is different than did you vote?

5 A No, they asked -- they asked did we -- did we voted.

6 Q So -- and then you said that they were asking you every
7 day whether -- whether you had voted?

8 A Well, if -- if they recognized me, they didn't ask me, but
9 if the person didn't ec -- recognize me, they asked me again,
10 yeah.

11 Q Okay, so now -- so there was more than these two gentlemen
12 that you brought up?

13 A No, the -- it was just -- it was just the two gentlemen.

14 Q Okay, and when you said every day they asked you this, how
15 many days did they ask you this?

16 A They asked me at least two or three days.

17 Q Okay, so when you said every day, you were talking about
18 two or three days?

19 A Yeah.

20 Q And was that two or three days in a row or that was two or
21 three days spread out?

22 A It was like spread out.

23 Q Spread out. And ultimately, you -- you told them that you
24 had voted and voted yes?

25 A Yes.

1 Q And that's because you wanted to tell them that?

2 A Well, they asked me did -- did I vote. I told them I
3 voted yes.

4 Q And do you recall getting a "I voted" pen?

5 A Yeah.

6 Q A Peccy pen?

7 A Yeah, a pen. Yeah.

8 Q And so even though you told them you voted yes, they gave
9 you a pen?

10 A Yeah. They asked me did I want it because it -- it --
11 you -- you had a choice to take the pen or you didn't have to
12 take the pen.

13 Q Right, it was an option.

14 A The -- the pen said "I voted".

15 Q Yes, and you chose to take it?

16 A I took the pen.

17 MR. BRODERDORF: Madam Hearing Officer, I'm just going to
18 confer and Mr. Johnson may have a few questions.

19 HEARING OFFICER MEYERS: Okay, take -- take a few minutes.
20 Let us know when you're ready.

21 (Counsel confer)

22 MR. BRODERDORF: Mr. Woods, my fellow attorney for Amazon,
23 Harry Johnson, has a few follow-up questions for you.

24 THE WITNESS: Okay.

25 MR. BRODERDORF: Thank you.

1 THE WITNESS: Uh-huh.

2 **CROSS-EXAMINATION**

3 Q BY MR. JOHNSON: Hi, Mr. Woods. Thanks for being with us.
4 I'm Harry Johnson, counsel for the Employer, as well, and
5 thanks for your service to Amazon's customers. I'm just going
6 to ask you a few more questions, okay?

7 A Okay. Uh-huh.

8 Q First question is about the mailbox. You didn't
9 personally see it get installed in the parking lot at BHM1, did
10 you?

11 A I saw them at -- the mailbox was up there when I came to
12 work.

13 Q Right. You -- you've seen it there, but I'm talking about
14 when they actually installed it. Who -- who installed it, how
15 it's --

16 A No, no, I -- I didn't see who was -- who -- who put it
17 there. No, I didn't see none of that.

18 Q Okay. And you chose not to use that mailbox, right?

19 A Correct.

20 Q You had that decision, correct?

21 A Correct.

22 Q Okay. And then let me ask you a few questions about the
23 security cameras that are being outside. Now, you've worked
24 there for a few months. I mean, you've noticed that they
25 attached security cameras from Day 1 of your employment, right?

1 A Right.

2 Q Okay. And did you ever see a camera outside in the lot,
3 like on a pole or something like that, looking inside the tent?

4 A No. No, I -- I -- I never -- I never seen no camera on
5 the outside looking inside of no tent, no.

6 MR. JOHNSON: Okay. One moment. All right, thank you
7 very much. I don't have any further questions for Mr. Woods on
8 cross. Thank you, Mr. Woods.

9 THE WITNESS: All right. Thank you.

10 HEARING OFFICER MEYERS: Is there --

11 MR. ROUCO: Yeah. I think -- yeah, I just -- I just have
12 a quick question -- a quick follow up.

13 **REDIRECT EXAMINATION**

14 Q BY MR. ROUCO: Now, Mr. Woods, the -- the pen that you
15 received saying I voted, what color was it, if you remember?

16 A Yeah, let me see.

17 MR. JOHNSON:. He's going to --

18 MR. ROUCO: Is he going to go find it?

19 MR. JOHNSON:. -- (indiscernible, simultaneous speech).

20 THE WITNESS:. No, I -- I think I've got it right here.

21 A If I'm not mistaken, it was a -- it was orange. It was a
22 orange little man on it.

23 Q BY MR. ROUCO: Okay.

24 A Oh, oh, hit -- matter of fact, yeah. Yeah, if you can see
25 that -- if you can see the pen --

1 Q Yeah, I see --

2 A -- that's it right there.

3 Q -- the pen. Okay.

4 A Yeah --

5 Q Same --

6 A -- it say -- it say "I voted".

7 Q I appreciate. So --

8 A Yeah.

9 Q -- just one the record reflects it, it's a little -- it --

10 it looks like a little min -- Amazon minion with a --

11 A Yeah, yeah, it's a Amazon --

12 Q -- (indiscernible, simultaneous speech) --

13 A -- it's a Amazon figure. It's a Amazon figure with a

14 little -- with a little -- little man with the arrow on his

15 mouth.

16 Q That -- that's great.

17 A Yeah.

18 Q All right. The -- the -- the last question I've got for

19 you is how like -- how likely is it that Aaron Rodgers will get

20 traded to the Denver Broncos?

21 A Aaron Rodgers going to the Denver Bronc --

22 HEARING OFFICER MEYERS: I object. It's irrelevant. You

23 don't need to answer that Mr. Woods. He was trying to be

24 silly.

25 MR. ROUCO: I'm just -- I see you with the Broncos shirt

1 there and --

2 THE WITNESS: You see that, right?

3 MR. ROUCO: -- I'm -- I'm a Dolphins fan. So I don't --

4 THE WITNESS: Hey.

5 MR. ROUCO: -- that's something I do not --

6 HEARING OFFICER MEYERS: No one cares.

7 MR. ROUCO: -- want to occur.

8 HEARING OFFICER MEYERS: Again, relevance. All right.

9 THE WITNESS: It -- it's 2000 --

10 HEARING OFFICER MEYERS: Will there be any re -- will
11 there be any recross?

12 MR. JOHNSON: Not on that question, Madam.

13 HEARING OFFICER MEYERS: Nothing on Peccy and the pen
14 and -- Mr. Woods --

15 MR. JOHNSON: No, Madam Hearing Officer.

16 THE WITNESS: Yes, ma'am. Yes, ma'am.

17 HEARING OFFICER MEYERS:. Thank you very much -- or, I'm
18 sorry. Mr. -- Mr. Rouco, are you -- are you finished?

19 MR. ROUCO: Yeah, I -- I -- I am done.

20 HEARING OFFICER MEYERS: Okay, yes -- yeah. Yes, you are
21 done. Mr. Woods?

22 THE WITNESS: Yes, ma'am.

23 HEARING OFFICER MEYERS: Thank you so much for your
24 cooperation. We appreciate --

25 THE WITNESS: Thank you, ma'am.

1 HEARING OFFICER MEYERS: -- your time --

2 THE WITNESS: Thank you.

3 HEARING OFFICER MEYERS: -- today. Just -- just as a
4 caution, you are -- the rule of sequestration is in effect.
5 Please do not discuss your testimony with anybody who is a
6 potential witness or with anyone, actually, and you are --

7 THE WITNESS: Yes, ma'am.

8 HEARING OFFICER MEYERS: -- subject to recall. You could
9 very -- un -- I mean -- unlikely situation where you are
10 recalled.

11 THE WITNESS: Okay.

12 HEARING OFFICER MEYERS: Somebody might ask you to come
13 back and testify, so don't talk about your testimony. You're
14 most likely finished. We appreciate your time.

15 THE WITNESS: Okay.

16 HEARING OFFICER MEYERS: And you have a -- a lovely
17 afternoon. Thanks so much for coming in.

18 THE WITNESS: Thank y'all. All right, thank y'all.

19 MR. JOHNSON: Thank you.

20 HEARING OFFICER MEYERS: Thank you.

21 THE WITNESS: All right.

22 HEARING OFFICER MEYERS: Mr. Rouco, how long do you need
23 before you call your next witness?

24 MR. ROUCO: Well, I'd like -- what -- it's 1:43 our time,
25 so it's 2:43 your time. Can we come back on the record at 3:15

1 your time?

2 HEARING OFFICER MEYERS: Will you have your witness
3 ready --

4 MR. ROUCO: Well, yeah --

5 HEARING OFFICER MEYERS: -- in the waiting --

6 MR. ROUCO: -- Mr. Davies is going to take that next
7 witness, so --

8 HEARING OFFICER MEYERS: All right.

9 MR. ROUCO: -- he's -- he's going to --

10 MR. DAVIES:. So --

11 MR. ROUCO:. -- going to --

12 MR. DAVIES: -- so no lunch break, Kerstin -- mis --

13 HEARING OFFICER MEYERS:. Well --

14 MR. DAVIES:. -- Madam Hearing Officer?

15 HEARING OFFICER MEYERS: If we go to -- if we go to 3:15
16 my time, 2:15 your time, that's a half hour. Is that -- is
17 that --

18 MR. ROUCO:. Yes.

19 HEARING OFFICER MEYERS: -- that sufficient?

20 MR. ROUCO: That -- that's enough for me.

21 HEARING OFFICER MEYERS: Okay. Mr. Davies, is that -- is
22 that sufficient for you.

23 MR. DAVIES: Well, I guess if Richard is buying my lunch
24 again, yes.

25 HEARING OFFICER MEYERS: I think Mr. Richard -- I think

1 Mr. Rouco is buying your lunch again. And Mr. Johnson, any
2 objections to taking a half-hour lunch so we can be finished
3 earlier, and it's actually lunchtime for you, so --

4 MR. JOHNSON: Right. No objection. I -- I would like to
5 engage in -- for some protected concerted activity with Union
6 counsel at some point about getting a longer lunch break, but
7 (audio interference) right now.

8 MR. ROUCO: Well, you know, look, I'm just afraid to
9 ask --

10 MR. DAVIES: Agreed.

11 MR. JOHNSON: -- Kerstin for more time, right?

12 HEARING OFFICER MEYERS: You -- I -- you not big -- have
13 you never appeared before the NCLJs (phonetic) for the Agency
14 who deny you any lunch?

15 MR. ROUCO: Yeah, I --

16 HEARING OFFICER MEYERS: I mean, I've been on the record
17 till 7:00 with no lunch, so I -- I'm feeling like I'm being
18 very generous here. All right, 3:15, and I'll see everybody
19 back here. We are -- we'll be in recess until then. Off the
20 record.

21 (Off the record at 2:45 p.m.)

22 HEARING OFFICER MEYERS: Excellent. Thank you for joining
23 us today, Mr. Thomas. Can you raise your right hand?

24 MR. THOMAS: Yes, ma'am.

25 Whereupon,



1 DAVID ISIAH THOMAS

2 having been duly sworn, was called as a witness herein and was
3 examined and testified, telephonically as follows:

4 HEARING OFFICER MEYERS: Excellent. Thank you very much.
5 Your witness, Mr. Davies.

6 MR. DAVIES: Thank you, Madam Hearing Officer.

7 DIRECT EXAMINATION

8 Q BY MR. DAVIES: Mr. Thomas, can you please state your full
9 name for the record?

10 A I'm David Isiah Thomas.

11 Q And do you go by Isiah.

12 A Yes, sir.

13 Q Okay. And are you currently employed, Mr. Thomas?

14 A Yes, sir, I'm a part-time worker at Amazon.

15 Q In Bessemer?

16 A Yes, sir.

17 Q And what is your position with Amazon in Bessemer?

18 A So I work in outbound, and I'm a ship dockworker.

19 Q And what is your normal shift?

20 A I work from 7:30 to 6:00 p.m. It's a ten-hour shift from
21 Saturdays to Sundays.

22 Q So you work on Saturday and Sunday?

23 A Yes, sir.

24 Q Okay. And do you know who your supervisor is?

25 A Yes, his name is Mike.

1 Q Do you know his last name?

2 A No, sir.

3 Q And how long has he been your supervisor?

4 A Since I've been there.

5 Q Okay. And other than working at Amazon, are you also
6 attending college?

7 A Yes, sir, I attend UAB.

8 Q And what year are you in?

9 A I'm currently a sophomore, but I will be a junior by the
10 summer.

11 Q Okay. And what is your major?

12 A I'm a criminal justice major.

13 Q Okay. Good luck.

14 A Thank you.

15 Q Can you briefly describe what your job is at Amazon?

16 A So they have me do a multi -- a multitude of things in
17 outbound. Sometimes they have me in palletizing, which is
18 where I'll take the boxes and scan them to a container to
19 ensure that those containers will then be taken to a truck to
20 be shipped off, and -- or they'll put me into induct, which is
21 where I'll take the packages and put them on the conveyer belt
22 so that they can be then sorted out into other containers, or
23 they'll sometimes have me do running, which is where I'll be
24 over in lane 15, which is where the packages that come down
25 that need to be reloaded back up onto the conveyer belts to be

1 resorted again, which is where I'll take the con -- a cart full
2 of boxes upstairs to the third floor to be reinducted.

3 Q Okay. And do you recall the Union organizing campaign at
4 BHM1 in Amazon -- excuse me -- in Bessemer?

5 A Yes, sir.

6 Q And -- well first of all, let me back up. When did you
7 start working for Amazon?

8 A September.

9 Q Of 2020?

10 A Yes, sir.

11 Q Okay. And so you recall the Union organizing campaign
12 at -- at the Bessemer warehouse?

13 A Yes, sir. This was around late October to early November.

14 Q Okay. And is that when you recall when it started?

15 A Yes, sir.

16 Q Okay. After it started, did you talk to other employees
17 at work about the Union organizing campaign?

18 A Yes, sir, I did.

19 Q And how often would you talk to other employees about the
20 Union campaign?

21 A This would be at least every other weekend when I'd be
22 there because I'm only there on weekends.

23 Q Right. And where -- where would you talk to these
24 employees about the Union campaign?

25 A Sometimes it'd be right before break. You know, we have

1 one break at 11:00 and then the next break is at 3:00, so it'd
2 be, like, right before break.

3 Q Okay. And would this be, you know, on the line or in the
4 area in which you were working?

5 A Yes, sir.

6 Q And these conversations that you had with other employees
7 about the Union, were any supervisors present when you spoke
8 with these other employees?

9 A Yes, sir.

10 Q And how did you know they were supervisors?

11 A They'd have on their vests and on the back it would say
12 either "operations" or they'd be a "PA" or "leadership".

13 MR. JOHNSON: Excuse me. I'm sorry to interrupt. I
14 didn't hear the objections on this witness.

15 MR. DAVIES: Oh, my fault. I'm -- I'm sorry.

16 MR. JOHNSON: That's okay. I didn't even realize it until
17 now, so --

18 HEARING OFFICER MEYERS: Neither did I. My bad. Go
19 ahead. Which -- which objections are you going to cover?

20 MR. DAVIES: 8, 10, 13, and 22.

21 HEARING OFFICER MEYERS: Excellent. Thank you.

22 MR. DAVIES: Okay.

23 Q BY MR. DAVIES: So just backing up, so how did you know
24 they were supervisors, Mr. Thomas?

25 A With the -- the title that they'd have on the back of

1 their vests, or it would either be Mike.

2 Q And Mike was your supervisor?

3 A Yes, sir.

4 Q And how close were you to them when you were talking with
5 the other employees about the Union?

6 A The supervisors or the employees?

7 Q I'm sorry, the supervisors.

8 A Vaguely. Like, I know Mike, but not -- it's not a close
9 relationship.

10 Q No, I meant how -- okay, that was a bad question. My
11 fault. How close were you in distance?

12 A Oh, okay. Yes, sir. They were like right there at the
13 end of the lane, and I'd be like a couple of feet away.

14 Q Okay. So is it your belief that they could hear you?

15 A Yes, sir.

16 Q Okay. All right. Now, after these supervisors -- and how
17 many times do you think that the supervisors might've overheard
18 you talking with other employees about the Union?

19 A I'd say about twice or three times.

20 Q Okay. Now, after these supervisors heard you talking
21 about the Union, were you moved to other areas of the plant?

22 A Sometimes.

23 Q Okay. And where were these other areas of the plant that
24 you were moved to?

25 A So there is lane 28, which is -- like, there are 28 lanes

1 in total, and the 28th lane is known to be either really busy
2 or not busy at all, and there's only one person down there, and
3 sometimes I'd be sent down there, and I'd have to stay down
4 there because they just needed somebody down there. That's
5 what they would tell me, and so I'd stay down there the entire
6 time.

7 Q Was there anyone else there?

8 A No, sir.

9 Q So you were there by yourself?

10 A Yes, sir.

11 Q Okay. And could you talk to -- so there -- if there
12 weren't any other employees in the area, then you couldn't talk
13 to any other employees about the Union in that -- in that
14 regard?

15 A No, sir.

16 Q Right.

17 A Not unless they came up to me, and usually nobody ever
18 came up to me.

19 Q And how many times do you think this happened?

20 A This had happened -- I could count on my hands how many
21 times, at least five times.

22 Q And these were times after you had spoken about the Union
23 in the presence of your supervisors?

24 A Yes, sir.

25 Q All right, during the Union organizing campaign, were you

1 required to attend company meetings where the Union organizing
2 effort was discussed?

3 A Yes, sir.

4 Q Do you recall how many meetings you were -- excuse me --
5 how many meetings you attended?

6 A Two, and they were back-to-back.

7 Q Back-to-back on the same day?

8 A It was one was Saturday and the other one was Sunday.

9 Q Okay. And do you recall when these meetings were that you
10 attended?

11 A This was around the first weekend of February.

12 Q Okay. Now, with respect to the meeting -- I guess the
13 first meeting you went to would've been on a Saturday?

14 A Yes, sir.

15 Q And did someone tell you to go to that meeting?

16 A Yes, sir, I was stopped by a PA and he asked -- he -- he
17 told me in particular that there was a meeting going on about
18 the Union. He said that there was an informational meeting
19 about the Union and you have to attend, and I said, okay, sure,
20 yes, I will go.

21 Q Okay. So this was a -- do you know this PA's name?

22 A I don't -- I'm not for sure what his name is. I see him
23 every other day when I'm there but not all the time, no, sir.

24 Q And how did you know he's a PA?

25 A He had "process assistant" on the back of his vest.

- 1 Q Okay. And so you said you went to the meeting?
- 2 A Yes, sir.
- 3 Q And where was the meeting held?
- 4 A It was at the front of the building in the -- the meeting
- 5 room that they have.
- 6 Q And what time of day was this?
- 7 A This was around 10:00. It was close to my break. It was
- 8 like an hour before my break.
- 9 Q And when you got to the meeting, how many other employees
- 10 were in the meeting?
- 11 A There were about 13, including myself.
- 12 Q Okay. Now, were there any people there that either
- 13 identified themselves as management or you perceived to be
- 14 managers?
- 15 A Yes, sir.
- 16 Q And how many of those were there?
- 17 A There were two.
- 18 Q And who were they, if you know?
- 19 A They -- they seemed to me -- I think they were process
- 20 assistant because they had on the same type of vest, and they
- 21 were standing at the back of the room, and then there was a
- 22 presenter at the front of the room. I can't remember what his
- 23 title was or what his position was, but he was there, and there
- 24 was a consultant there, as well.
- 25 Q And you say there was a -- a presenter. Was it a male of

1 a female?

2 A It was a male.

3 Q And was she (sic) African American or Caucasian or can you
4 remember?

5 A He was white, yes, sir.

6 Q Okay. And what about -- you said there was a consultant.

7 A Yes, sir.

8 Q And how did you know it was a consultant?

9 A He introduced himself as being a representative of Amazon
10 in particular.

11 Q Did he say he was an employee of Amazon or did he say --

12 A He said --

13 Q -- (indiscernible, simultaneous speech) --

14 A -- he gave legal advice.

15 Q All right. Now, so what was -- with respect to this first
16 meeting, what did the presenter discuss with the employees
17 about the Union?

18 A He talked about Union dues in particular at first. He was
19 saying how if we paid these dues they would go to leadership
20 and Union reps and that they would use our membership fees for
21 lavish cars and fancy houses.

22 Q Okay. And do you recall anything else that was discussed
23 during this first meeting?

24 A Yes, he was talking about in particular that why would we,
25 you know, need this Union when we already have what we need

1 already at Amazon, and that if you get a union here, then
2 you're going to pay all these dues and you don't know where
3 these dues are going and that the representatives were not
4 exactly what they're trying to tell themselves to be to us
5 employees.

6 Q Okay. Did the consultant have anything to say during the
7 meeting?

8 A Yes, sir. He talked about how we should organize our
9 ballots and what we should do, and he was saying, you know,
10 when you get your ballot, if you want to vote yes, you mark
11 here; if you want to vote no, you mark here. And he said that,
12 when it comes to benefits and pay, when you have a union not in
13 ever -- not everything is guaranteed. Everything is on the
14 table and everything is negotiable.

15 Q And did people ask questions during this meeting?

16 A Yes, sir.

17 Q Okay. And how many questions should -- would you say were
18 asked, if you can recall?

19 A There was only one.

20 Q Okay. And what was that question?

21 A She asked about the --

22 Q When you say --

23 Q -- Union dues --

24 Q -- "she" -- hold on for a second. You say "she". Was she
25 an employee --

1 A Yes, sir.

2 Q -- that was attending the meeting like you?

3 A Yes, sir.

4 Q Okay.

5 A And she asked about the Union dues to -- for confirmation,
6 and she said, are you sure this is what these are going to,
7 like, cars and whatnot and fancy houses, and he said, well,
8 this is what we have on them.

9 Q Okay. How long did the meeting last?

10 A It lasted around -- this first meeting lasted almost,
11 like, 20 minutes or so. It wasn't that long.

12 Q Okay. Now, did the company have any anti-Union literature
13 at this meeting?

14 A Yes, sir.

15 Q And what did they have? What --

16 A So at the back of the room on a table, they had, you know,
17 doorknob hangers and rearview mirror hangers with, you know,
18 like anti-Union wording on it and stuff.

19 MR. DAVIES: Madam Hearing Officer, can we ask the bailiff
20 to display Union Exhibit 19?

21 HEARING OFFICER MEYERS: Mr. Bailiff, could you put up
22 Union 19, please. 18, right?

23 MR. DAVIES: No, 19, I had forwarded it --

24 HEARING OFFICER MEYERS: So 19?

25 MR. DAVIES: -- just about 15, 20 minutes ago.

1 HEARING OFFICER MEYERS: Oh. So there's a -- there's a
2 new.

3 MR. DAVIES: Yeah. So it should be a new one there. 28
4 minutes ago, according to SharePoint.

5 Q BY MR. DAVIES: Okay, Mr. Thomas, I'm showing you what's
6 been marked as Union Exhibit Number 19. Can you take a moment
7 and see if you can identify the doc -- the -- the pictures in
8 the document?

9 A Yes, sir. Both of them were there.

10 Q So these are the -- the door hangers that you saw at this
11 meeting -- this first meeting that you went to?

12 A Yes, sir.

13 Q Okay. And were these just -- where were they located?

14 A They were at the back of the room on a table, and
15 sometimes a PA would grab some and hand them out.

16 Q Okay, when you say "a PA would grab some and hand them
17 out" --

18 A Yes, sir.

19 Q -- maybe you can describe how -- how that occurred?

20 A Okay. So they would stand by the door -- this happened in
21 the first meeting and the second meeting -- and they'd have
22 them, and they'd have them holding out, and they'd be like, do
23 you want one, and if you'd say yes or no, they'd give it to you
24 or not, and they'd ask the next person if you wanted one.

25 Q Okay. And was there any other anti-Union literature at

1 this meeting that you can recall other than these tags?

2 A They had printed-out sheets of paper with basically the
3 PowerPoint on them.

4 Q So during the meeting, a -- the presenter had a
5 PowerPoint?

6 A Yes, sir.

7 Q And did he present this PowerPoint during the meeting to
8 the employees?

9 A Yes, sir.

10 Q Okay. And the sheets that you say that they have, were
11 they also on the back of the table -- excuse me -- on the -- in
12 the back of the room on a table?

13 A Yes, sir.

14 Q Were they handing these sheets out, too?

15 A Yes, sir, they handed them out at the beginning and then
16 after again.

17 Q As -- okay.

18 A As -- as we were leaving, yes, sir.

19 Q Okay, as you were leaving. And how would -- would they --
20 and this was the process assistants that were doing this?

21 A Yes, sir.

22 Q Okay. And did they -- did they ask you whether or not you
23 wanted this anti-Union literature or these tags?

24 A Yes, sir.

25 MR. DAVIES: Madam Hearing Officer, the -- the bailiff, if

1 you don't mind, he -- if you can ask him to take the exhibit
2 down. Thank you.

3 Q BY MR. DAVIES: Now, did you attend a second meeting?

4 A Yes, sir.

5 Q And when was that?

6 A That was that Sunday.

7 Q So the next day?

8 A Yes, sir, the next day.

9 Q Now, did someone tell you to go to that meeting?

10 A Yes, sir, it was Mike. He told me it was mandatory.

11 Q And who is Mike?

12 A My supervisor.

13 Q Okay. And where was this meeting held?

14 A This was held in another meeting room, but it was
15 upstairs. It was on the second floor.

16 Q Okay. And how many employees were there?

17 A I'd say this one there was 14, maybe 13, the same as last
18 time, including myself.

19 Q Okay. And were there any supervisors or managers there?

20 A There were -- I think there was management in the back of
21 the room with a PA because they had a computer and I only know
22 management having computer around them -- having a laptop.

23 Q Okay. And was there a presenter?

24 A Yes, sir.

25 Q And -- and was that the same person as the day before or

1 was it a different person?

2 A It was a different person.

3 Q And was it a male or a female?

4 A It was a male.

5 Q And was he white or black?

6 A He was black.

7 Q Okay. And was there anyone else there, any -- was there a
8 consultant there like there was at the first meeting?

9 A No, there was another employee like me that had on an
10 orange vest, and that's how I know that she was an employee
11 like me, and she'd stand over, you know, by the computer and
12 change the next slides for him.

13 Q Okay. Now, so what was discussed during this second
14 meeting?

15 A So at first, they went over, you know, the ballots in
16 particular, you know, how to set it up and you know, what to do
17 and mail it off once you've had everything, you know, fixed up
18 for you, and then they went over basically the same PowerPoint
19 like the first time where they talk about, you know, Union dues
20 and what your dues would go to, and then there was a
21 conversation between the presenter and a coworker of mine, and
22 she was vocally anti-Union, and she expressed in particular
23 that, you know, what would happen if the Union does come in,
24 and he stated in particular that, you know, your benefits and
25 your pay are not guaranteed, and when a union comes in, it

1 solidifies that and now everything is negotiable and not
2 everything is set in stone, and then she said, well, that's not
3 a good thing, is it, and he said, no, it's not, and she said,
4 well, what does that mean for the facility, that could be a bad
5 thing, and he was like, yeah, it -- you know, that is a bad
6 thing. It could possibly lead to the facility shutting down.

7 Q And why did -- did he explain why that could lead to the
8 facility shutting down?

9 A Because there'd be not enough people to fill up for -- an
10 adequate number of staff member to be there to keep the
11 facility going.

12 Q And did he say why that would be?

13 A Yeah, it'd be because that people would leave because
14 they'd lose their benefits and their pay because of the Union.

15 Q Now, when the presenter -- did he -- and he also had a --
16 a PowerPoint?

17 A Yes, sir, he had a PowerPoint.

18 Q Okay. And when he -- he made this statement that the
19 facility could shut down, was there any reaction in the room by
20 the other employees?

21 A Yes. Yes, people were, you know, looking around and they
22 were shocked, and one woman asked a question in particular.
23 She said, well, if you're saying the Union is bad for us, then
24 I guess that means the Union is good for us. She was vocally
25 pro-Union, and so they had a negative dialogue between one

1 another, and he was saying that, you know, Union reps, they're
2 lying to you, not everything is set in stone, everything is
3 negotiable, and he reiterated what he had said before.

4 Q Now, did the company also have anti-Union literature at
5 this meeting?

6 A Yes, sir, in the back of the room.

7 Q And was it the -- well, maybe you can tell me what it was.

8 A They were the doorknob hangers and the rearview mirror
9 hangers again with the -- the same wording from last time.

10 Q The -- the exhibit that we just looked at?

11 A Yes, sir.

12 Q Okay. And were they available for employees to -- to pick
13 up and take or were they being offered to the employees?

14 A They were being offered.

15 Q And maybe you can describe how that was taking place?

16 A So one of the -- th -- I assumed he was management because
17 he had a computer and -- a laptop and it was closed and it was
18 in his arm, and he grabbed a couple and he was handing them
19 out, and he handed one to me, and I said, no, thank you, I
20 don't want one, and he looked at me with a concerned look, and
21 I -- you know, I felt like all eyes were on me, and then he
22 went to the next person and said, do you want one, and if they
23 said -- if they said yes, then he'd give it to them, and if
24 they said no, he wouldn't give it to them.

25 Q Did he ask you if you wanted one?

1 A Yes, sir, he did.

2 Q All right. And how long did this meeting last, Isiah?

3 A Around the same period as the last time around, like 20
4 minutes or so.

5 Q Okay. All right, did you notice any changes in
6 management's enforcement of work rules or its policies during
7 the Union campaign?

8 A Yes, sir, in particular, when it came to clocking in and
9 clocking out, and clocking in for our lunch and clocking out
10 for our lunch included.

11 Q And maybe you can describe what you mean there?

12 A So used to -- I'll never forget in orientation my first
13 day at the job, September -- it was like September 9th on
14 the -- I assume, and I was told by one of the HR ladies that
15 there were giving the orientation that you could clock in when
16 you get in the parking lot. You know, if you get here at 7:26,
17 clock in, and make it up to the -- the front of the doors. And
18 then after -- you know, I'd been doing that, and then after the
19 Union drive, I noticed that everything had stopped, and now
20 they've changed it to where you now have to go up to the front
21 of the building to clock in.

22 Q What do you mean by that: You have to go to the front of
23 the building and clock in?

24 A So on our phone we have an app, an Amazon app, and there's
25 a -- there's a -- an application on there to where you can

1 clock in through your phone, and used to, you could be able to
2 clock in in the parking lot, and now it's been changed to where
3 now you have to clock in at the front of the doors.

4 Q Okay. And how does that affect your -- your work?

5 A So I mean, I get there at 7:26. You know, I try to eat my
6 breakfast and get ready for work, and I'd clock in at 7:26, and
7 by the time I make it up to the doors, it's 7:30, and that's
8 when I'm supposed to be there, but now, since I can't do that,
9 you know, I can't eat an appropriate amount of time, and now I
10 have to make it up to the doors and clock in, and now I have to
11 make it to my station or then I would be missing.

12 Q There any pamphlets or signs about this clocking-in rule
13 that have been disseminated in the facility since the Union
14 drive ended?

15 A Yes, sir. They're in the bathrooms and they're also
16 around the building.

17 Q And what is it -- what are these documents stating?

18 A So they say that now you have to clock in within walking
19 distance of the doors -- at the front doors.

20 Q So in other words, if you'd pulled into the parking lot
21 and parked prior to, you could clock in at that point, but now
22 you have to be within what? How many feet of the front door?

23 A Like five feet.

24 MR. DAVIES: All right. Just a second. Give me a couple
25 minutes, Madam Hearing Officer. I may be done with this

1 witness. I think you're on mute.

2 MR. JOHNSON: Yes, I think --

3 HEARING OFFICER MEYERS: Thank -- thanks. I'm sorry.

4 Take a few minutes and then let us know when you're ready to go
5 back on the record.

6 (Off the record at 3:44 p.m.)

7 MR. DAVIES: I'm back Madam Hearing Officer. No further
8 questions at this time. I pass the witness.

9 HEARING OFFICER MEYERS: And Mr. Johnson, how long do you
10 need to prepare for this witness?

11 MR. JOHNSON: Can we have 15 minutes?

12 HEARING OFFICER MEYERS: You can have 15 minutes, which
13 will take us to 3:00 p.m. Central Time. Well, that's 14
14 minutes. Will that work?

15 MR. JOHNSON: Yes. I think we --

16 HEARING OFFICER MEYERS: All right.

17 MR. JOHNSON: -- can (indiscernible, simultaneous
18 speech) --

19 HEARING OFFICER MEYERS: Okay. So let's take 15 minutes
20 and we will reconvene at 4:00. Off the record until 4 p.m.
21 Eastern, 3 p.m. Central.

22 (Off the record at 3:47 p.m.)

23 HEARING OFFICER MEYERS: Mr. Broderdorf, are you ready for
24 cross-examination?

25 MR. BRODERDORF: Yes, Madam Hearing Officer.

1 HEARING OFFICER MEYERS: All right, your witness.

2 MR. BRODERDORF: Thank you.

3 **CROSS-EXAMINATION**

4 Q BY MR. BRODERDORF: Good afternoon, Mr. Thomas. My name
5 is David Broderdorf. I'm attorney for Amazon, and I have some
6 questions for you.

7 A Good afternoon.

8 Q First, it -- it may be the camera angle of -- but I just
9 wanted to confirm if you have any notes in front of you that
10 you may have been reading at all?

11 A No, sir.

12 Q Okay, and then do -- to prepare for today, did you have
13 any notes that you reviewed or looked at?

14 A No, sir.

15 Q Okay, thank you for confirming. So you testified today,
16 Mr. Thomas, about -- about a lane 28 at the facility.

17 A Yes, sir.

18 Q And so I'm going to ask you some questions about that
19 specifically, but your -- you generally work the weekend
20 shifts, right?

21 A Yes, sir.

22 Q And you've been working the weekend shifts since you
23 started last September?

24 A Yes, sir.

25 Q So it's a Saturday and Sunday shift?



1 A Yes, sir.

2 Q And during that -- during that time, when -- when was the
3 first time you spoke to coworkers at work where you thought the
4 supervisors heard you talking about the Union?

5 A This is around December -- towards the end of December,
6 the last weekend of December.

7 Q Okay, so last weekend of December, and how did you know
8 that they heard you talking with some coworkers?

9 A They were at least a couple of feet away from me at the
10 end of the lane while I was talking to them, and I'd noticed
11 that sometimes they'd look over and whatnot.

12 Q And when you were talking with those coworkers, were you
13 talking good things about the Union, bad things about the
14 Union, both?

15 A I was talking good things, yes, sir.

16 Q Okay. And how about your coworkers? Were they also
17 talking good things?

18 A Yes, sir, I was just talking to them about, you know,
19 about the Union in particular, and they'd, you know, nod their
20 head and whatnot, and it'd be the same.

21 Q These other employees, then, were nodding along?

22 A Yes, sir.

23 Q And this lane -- this lane 28, you -- you testified that
24 it can be busy or it can be slow over on lane 28, right?

25 A Yes, sir.

1 Q So it -- when you're there on the weekends, is there -- is
2 there generally always at least one person working in lane 28?

3 A Sometimes there's nobody.

4 Q Okay, so sometimes there's nobody, sometimes there's one,
5 right?

6 A Yes, sir.

7 Q And sometimes you say they can be busy, so how many people
8 may -- what's the most number of people you've ever seen on
9 lane 28?

10 A One.

11 Q Oh, so you think it's zero or one are the -- that's the
12 staffing?

13 A Yes, sir.

14 Q So even if it's really busy on lane 28, it's one person?

15 A Yes, sir.

16 Q And are you familiar -- since you started there in
17 September, how many other employees, to your knowledge, have
18 worked in lane 28?

19 A There are a couple of employees that I know in particular
20 who work over in lane 28, yes, sir.

21 Q And so that would've been in September, October,
22 November --

23 A Yes, sir.

24 Q -- of -- okay. And were any of those other -- the
25 employees that you're aware of, were those the same employees

1 you were talking to that day about -- about the Union or are
2 those different employees?

3 A Some were, yes, sir.

4 Q Some, but there are some others?

5 A Yes, sir. It's --

6 Q (Indiscernible, simultaneous speech) --

7 A -- the others that were not.

8 Q Oh, I'm sorry. Can you -- can you finish?

9 A There's some that were, and then there were some that were
10 not.

11 Q And when you're in lane 28, if it's -- if it's not busy,
12 what are you doing?

13 A If it's not busy, I have to stay there until it is busy --

14 Q Okay. And --

15 A -- so they'll have me, you know, stay in the lane until
16 boxes come down. Yes, sir.

17 Q And then when boxes come down there's work for you to do?

18 A Yes, sir.

19 Q And are you capable or qualified to do that work?

20 A Yes, sir.

21 Q Is that work within your classification or your job
22 description?

23 A Yes, sir.

24 Q And are you paid the -- the -- the same for that work?

25 A Yes, sir.

1 Q And then, if you're working in lane -- lane 28, do you
2 still have -- do you still have breaks?

3 A Yes, sir.

4 Q And do you still have a -- a meal or a lunch period?

5 A Yes, sir.

6 Q And then is the shift -- is the start time and the end
7 ti -- end time still the same for your shift?

8 A Yes, sir.

9 Q And so if you -- if you wanted to talk to -- to coworkers,
10 you -- you could do that during the break or the lunch or
11 before or after the shift?

12 A Yes, sir, of if they come over to talk to me, yes, sir.

13 Q Okay, so other employees who are in a -- what, a different
14 lane or a different area could -- could come over to talk to
15 you?

16 A If they so choose so, yeah.

17 Q And I assume coworkers, if -- if they're interested, can
18 exchange phone numbers or to have text messages or otherwise
19 talk to each other when they're not working; is that true?

20 A Yes, are you talking about on breaks?

21 Q Yes.

22 A Yes, sir.

23 Q There's no rule stopping you from getting a phone number
24 of a coworker and before work or on your day off and talking to
25 somebody is there?

1 A Huh-uh.

2 Q Mr. Thomas, you -- you talked about attending, I believe
3 you said, two meetings to your recollection where there was an
4 Amazon presenter talking about the Union campaign; is that --
5 is that accurate?

6 A Yes, sir.

7 Q And you testified that during those meetings there was a
8 presentation up onscreen?

9 A Yes, sir.

10 Q And so to prepare for your testimony today, did you review
11 those presentations?

12 A No, sir.

13 Q So you're testifying from your memory from those -- from
14 those meetings?

15 A Yes, sir.

16 Q And then you testified that there was discussion around
17 Union dues. Isn't it -- isn't it true that the presenter was
18 talking about a form called the LM-2 form and showing where
19 unions spend money?

20 A Yes, sir.

21 Q And isn't it true that otherwise the presenter was going
22 through the -- the slides and presenting from what was posted
23 onscreen, correct?

24 A Yes, sir.

25 Q And you -- you testified that there was some discussion



1 with a -- with one of -- one of your coworkers in the room who
2 you viewed as -- as against the Union or not -- not -- not
3 necessarily pro-Union, and specifically, you said there was an
4 interaction with I believe it was her talking about what if
5 there was a situation where there wasn't enough staffing in the
6 facility?

7 A Yes, sir.

8 Q And is it the case that that discussion was about if there
9 was a Union strike and what could happen if there was a Union
10 strike?

11 A No, sir.

12 Q So there was no discussion around a strike then?

13 A No, sir.

14 Q So then, was the discussion around the issue of if the
15 facility wasn't able to recruit enough employees that other
16 facilities would have to do the work if there were staffing
17 elsewhere?

18 A It was about people leaving the facility in particular.

19 Q And the facility not having enough staff to meet customer
20 demand?

21 A Yes, sir.

22 Q And then during your testimony you referenced a job
23 classification called process assistant.

24 A Yes, sir.

25 Q Process assistants were eligible voters in this election,

1 right?

2 MR. DAVIES: Objection.

3 A Yes, sir.

4 MR. DAVIES: Object -- hold -- hold on. There's an
5 objection.

6 HEARING OFFICER MEYERS: What is the --

7 MR. DAVIES: No foundation.

8 HEARING OFFICER MEYERS: -- objection?

9 MR. DAVIES: Lack of foundation.

10 HEARING OFFICER MEYERS: Can you establish a foundation?
11 I'll sustain the objection. I think you can establish a
12 foundation.

13 Q BY MR. BRODERDORF: Mr. -- Mr. Thomas, as an employee at
14 Amazon, you are a eligible voter in the election, correct?

15 A Am I an eligible -- eligible --

16 Q Were --

17 A -- voter?

18 Q -- were you an eligible voter in the election?

19 A Yes, sir.

20 Q And are you aware of whether process assistants were
21 eligible voters in the election?

22 A I assumed so.

23 Q And what was the basis for your assumption?

24 A That they worked there with me.

25 MR. DAVIES: Ma -- Madam Hearing Officer, I (audio

1 interference) think this --

2 HEARING OFFICER MEYERS:. I --

3 MR. DAVIES:. -- witness can testify to that.

4 HEARING OFFICER MEYERS: He can't testify to what? The --

5 MR. DAVIES: He -- he said --

6 HEARING OFFICER MEYERS: He's already testified.

7 MR. DAVIES: Well, I wouldn't --

8 HEARING OFFICER MEYERS: There's not another question. I
9 mean, I -- I think you've -- you've got your answer there, Mr.
10 Broderdorf, and the record speaks for itself, so move on,
11 please.

12 MR. BRODERDORF: Thank you. Let me just confer with my
13 cocounsel, and we'll see if we --

14 HEARING OFFICER MEYERS: Certainly.

15 MR. BRODERDORF: -- can (indiscernible, simultaneous
16 speech) --

17 HEARING OFFICER MEYERS:. We'll be here.

18 MR. BRODERDORF:. Thank you.

19 Mr. Johnson will have a question or two. Thank you.
20 Thank you, Mr. Thomas.

21 HEARING OFFICER MEYERS: Mr. Johnson, I think you're
22 now -- you're stuck with just two questions, so --

23 MR. JOHNSON: I'll -- I'll try and have some questions to
24 park in there, but it won't be that long.

25 HEARING OFFICER MEYERS: Excellent.

CROSS-EXAMINATION

1

2 Q BY MR. JOHNSON: Okay, so thanks for being with us here
3 today, Mr. Thomas, and thanks for your service to Amazon's
4 customers. I'm also counsel for the Employer and going to ask
5 you a few questions. All right? Okay.

6 A Yes, sir.

7 Q Great. So you testified about coming to work and there
8 was a time entry change, right, time clock change; do you
9 remember that?

10 A Yes, sir.

11 Q Okay. And just so I understand correctly, the old
12 standard used to allow you to clock in, then eat lunch in the
13 parking lot, you know, while you were clocked in, and then walk
14 to the door, and then go inside and start working?

15 A For when I was arriving to work. Like when -- you know,
16 my shift starts at 7:30, and you know, I get there at 7:26, and
17 I could clock in in the parking lot when I made it to the
18 parking lot.

19 Q Okay.

20 A Yeah.

21 Q But once -- just so I understand, so once you got in the
22 parking lot, under the old standard, you clocked in and you
23 started -- you know, you were recorded as being working, then
24 you would eat, then you would walk through the front door, and
25 then you would start working inside the facility; do I have

1 that right?

2 A Yes, sir.

3 Q Okay. And then afterwards, you had to actually make it to
4 the front door before you -- they would start paying you,
5 right? You have to say yes or no because they're --

6 A Yes. Oh, I'm sorry. Yes.

7 Q Okay. Okay. Thank you. And -- and that -- you didn't
8 like that change; is that fair to say?

9 A No, sir.

10 MR. JOHNSON: Okay. One moment while I sort of confer
11 with Counsel.

12 That's it for us on cross-examination. Thank you very
13 much, sir.

14 HEARING OFFICER MEYERS: Any redirect?

15 MR. DAVIES: No redirect, Madam Hearing Officer.

16 HEARING OFFICER MEYERS: Great. Mr. Thomas, thank you so
17 much for joining us. I want to remind you that there -- the
18 rule of sequestration is in place which means you can't discuss
19 the testimony with anyone, so while it's very un -- and while
20 it's very unlikely, you may be recalled by one of the parties,
21 so you could have to come back and testify, although I don't
22 think that will happen. You're released from service today.
23 We do appreciate your coming in. Thanks so much, and you have
24 a nice afternoon, okay?

25 THE WITNESS: Thank you. You, too.

1 HEARING OFFICER MEYERS: Thank you. Bye-bye. Mr. Davies,
2 does the Union have another witness prepared?

3 MR. DAVIES: Not today. We plan to have two to three
4 witnesses tomorrow, and hopefully, we'll wrap up our witnesses
5 and then we have some documents to put in. We might --
6 hopefully, we won't need to have a custodian of records
7 authenticate the documents we intend to put into the record.
8 And -- and at that point, hopefully, we'll be -- we'll be
9 finished, although there's a subpoena issue out there, not with
10 the -- not with Amazon but with -- a subpoena that we had
11 served on a third party.

12 HEARING OFFICER MEYERS: Right, and that has been referred
13 to me, so I'm -- did you forward any of your requests for
14 enforcement to the Employer?

15 MR. DAVIES: I --

16 HEARING OFFICER MEYERS: No?

17 MR. DAVIES: No, I have not. No, no because I -- I
18 didn't -- I didn't think that the Employer was -- I mean, I
19 can. I don't have a problem sending it.

20 HEARING OFFICER MEYERS: Well, I'm going to require a -- a
21 showing of proof -- an offer of proof before we go to
22 enforcement as to how this is relevant and what you expect to
23 gain. It seems fairly broadly worded. How -- what -- what was
24 in your subpoena is necessary to prove your objections? I'm
25 not sure who wants to respond, whether you want to do it today

1 or would you like to do it tomorrow morning. That will give
2 you time to prepare.

3 MR. DAVIES: Yeah, we'd like to do it tomorrow morning.

4 HEARING OFFICER MEYERS: Okay.

5 MR. JOHNSON: Can we find out what it is about before our
6 (audio interference) case?

7 HEARING OFFICER MEYERS: Well, I don't -- I don't know
8 that you get to even respond because --

9 MR. JOHNSON: Right, I --

10 HEARING OFFICER MEYERS: -- a proper party can request
11 written -- can request enforcement, but there's been -- there's
12 Board cases where hearing officers refused to refer it for
13 enforcement if it's not -- if it's not material and relevant,
14 and I'd just like to hear an offer of proof because it seems
15 kind of broad, and unless there's something you anticipate that
16 is going to be material to this hearing, I see no reason to
17 delay the hearing for enforcement proceedings.

18 Yes, Mr. Johnson, you -- you --

19 MR. JOHNSON: No, I'm not --

20 HEARING OFFICER MEYERS: -- (indiscernible, simultaneous
21 speech) --

22 MR. JOHNSON: -- arguing with you at all. I just wanted
23 to sort of follow up on where we started the conversation just
24 in terms of getting an idea from Petitioner. Are -- is
25 Petitioner saying you're going to wind up on Friday or we're

1 going to Monday or where -- where do you all think you are?

2 MR. DAVIES: I -- I -- I hope we can wind up tomorrow, but
3 depending on the enforcement issue, he -- of the subpoena and
4 some witness issues, but we're -- we're hoping we can wind up
5 tomorrow. Obviously --

6 HEARING OFFICER MEYERS: Okay.

7 MR. DAVIES: -- we have some documents we want to put into
8 the record that have been subpoenaed from parties and just
9 hopefully they'll be able to come in without having to call a
10 custodian.

11 HEARING OFFICER MEYERS: Okay, Mr. Johnson, you have your
12 hand up?

13 MR. JOHNSON: Trying to be very formal. So (audio
14 interference), do you all have three to four more witnesses
15 or -- because yesterday, we heard something like there were ten
16 witnesses total -- ten -- I -- I don't know where we are.

17 HEARING OFFICER MEYERS: I --

18 MR. DAVIES: I think we probably have about three more
19 witnesses.

20 MR. JOHNSON: Okay.

21 HEARING OFFICER MEYERS: Okay. In addition, so you -- you
22 offered the Union's --

23 MR. JOHNSON: 19.

24 HEARING OFFICER MEYERS: -- Exhibit 19 that is identical
25 in all respects to -- at least my -- to my eye to Union 15.

1 MR. DAVIES: Union 15?

2 HEARING OFFICER MEYERS: Yes. Which is already in the
3 record. Do you need us to pull it up?

4 MR. DAVIES: Yeah.

5 HEARING OFFICER MEYERS: Bailiff, can you pull up Union
6 15?

7 MR. DAVIES: Oh, okay. Yep.

8 HEARING OFFICER MEYERS: So can you withdraw 19?

9 MR. DAVIES: Sure, we can withdraw 19.

10 **(Union Exhibit Number 19 Withdrawn)**

11 HEARING OFFICER MEYERS: Excellent. The less cluttered
12 the record, the better. I think that is the only housekeeping
13 matter -- matter I've identified. Anything from the parties?

14 MR. JOHNSON: One quick thing on timing. Just -- so it
15 sounds like if the Petitioner is over with on Friday, then
16 we're starting on Monday or Tuesday, right?

17 HEARING OFFICER MEYERS: Monday, Monday. You are starting
18 on Monday.

19 MR. JOHNSON: Okay, fine.

20 HEARING OFFICER MEYERS: You have a whole weekend to
21 prepare. You're so lucky.

22 MR. ROUCO: I think we should start on Sunday.

23 HEARING OFFICER MEYERS: Oh, I would, but you know, I -- I
24 don't think the Agency will let me.

25 MR. JOHNSON: Well, did -- the one thing I just want to

1 bring up is because having seen what's gone on with witnesses
2 having -- with local witnesses sometimes having a tough time to
3 sign on, we were going to try and do it from a location -- you
4 know, a central location in Alabama if we (audio interference)
5 local witnesses, and I would like to have a chance to test if
6 that's going to work Monday morning, so you know, can we start
7 maybe at 11 Central Time on Monday?

8 HEARING OFFICER MEYERS: I -- you can -- you can go and
9 you can have those witnesses on by 8 a.m., but we're going to
10 start at 9 a.m. Central Time.

11 MR. JOHNSON: Okay.

12 HEARING OFFICER MEYERS: I would like to see us finish by
13 Wednesday if we can at -- at all possible.

14 MR. JOHNSON: (Audio interference) -- .

15 MR. ROUCO: But our Zoom call is -- you've got our Zoom
16 reserved to May 28th. Don't you want to use all that time?

17 HEARING OFFICER MEYERS: Oh, you're -- you're such a funny
18 man, Mr. Rouco. No, I do not want to use all that time. I
19 would like to see a -- I -- I would -- I would like to see the
20 record clean and concise; however, I also want it to make -- to
21 make sure that it is complete, but if we can finish by
22 Wednesday, that would be great. Otherwise, we can reconvene
23 the following Monday. As a -- as -- just as a reminder, I'm
24 off on Thursday, Friday next week, which is part of the reason,
25 I think --

1 MR. JOHNSON: Oh.

2 HEARING OFFICER MEYERS: -- Wednesday would be a wonderful
3 day to wrap up. Otherwise, we can come back that following
4 Monday. Anything else before we recess for the day?

5 MR. JOHNSON: Not from us, Madam Hearing Officer.

6 HEARING OFFICER MEYERS: Excellent. So we will reconvene
7 tomorrow at 10 a.m. Central Standard Time, 11 a.m. Eastern
8 Time, and we are in recess until then.

9 Off the record.

10 **(Whereupon, the hearing in the above-entitled matter was**
11 **recessed at 4:20 p.m. until Friday, May 14, 2021 at 11:00 a.m.)**

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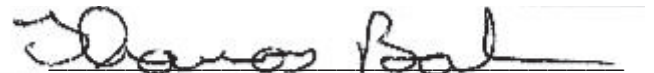
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C E R T I F I C A T I O N

This is to certify that the attached proceedings, via Zoom videoconference, before the National Labor Relations Board (NLRB), Region 10, Case Number 10-RC-269250, Amazon.com Services, LLC and Retail, Wholesale and Department Store Union, held at the National Labor Relations Board, Region 10, Peachtree Summit Federal Building, 401 W. Peachtree Street, NE, 401 W. Peachtree Street, NE, Suite 2201, Atlanta, Georgia 30308, on May 13, 2021, at 10:03 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



THOMAS BAKER

Official Reporter